

Exhibit 4

IRVINGTON PUBLIC SCHOOLS' OPPOSITION TO DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT (IRVINGTON) (SD MSJ NO.4)

Case No.: 4:22-md-03047-YGR

MDL No. 3047

Member Case No.: 4:23-cv-01467-YGR

In Re: Social Media Adolescent Addiction/Personal Injury Products Liability Litigation

CONFIDENTIAL

Page 1

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 OAKLAND DIVISION

4 - - - - -

5 IN RE: SOCIAL MEDIA CASE NO.
6 ADOLESCENT ADDICTION/PERSONAL 4:22-md-03047-YGR
7 INJURY PRODUCTS LIABILITY MDL No. 3047
8 LITIGATION

9 THIS DOCUMENT RELATES TO:

10 Irvington Public Schools

11 vs.

12 Meta Platforms Inc., et al.

13 Member Case No.: 4:23-cv-01467-YGR

14 - - - - -

15 Thursday, May 1, 2025

16 CONFIDENTIAL - ATTORNEYS' EYES ONLY

17 PURSUANT TO PROTECTIVE ORDER

18 Videotaped deposition of MICHAEL BUSSACCO,
19 held at the offices of the Irvington Board of
20 Education, One University Place, Irvington, New
21 Jersey, commencing at 10:06 a.m. Eastern, on the
22 above date, before Robin L. Clark, Professional
23 Reporter and Notary Public in and for the State of
24 New Jersey.
25

CONFIDENTIAL

Page 2

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22 Facebook Operations, LLC; Facebook
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CONFIDENTIAL

Page 3

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20 TikTok, Inc.; ByteDance Ltd.; and
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21
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CONFIDENTIAL

Page 4

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For the Defendants, Alphabet,
10 Inc., Google, LLC, and YouTube, LLC
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CONFIDENTIAL

Page 5

I N D E X

WITNESS	PAGE
MICHAEL BUSSACCO	
BY MR. KARP:	8, 332
BY MR. INNES:	279, 382
BY MR. SEXTON:	365

E X H I B I T S

NUMBER	DESCRIPTION	MARKED
Bussacco		
Exhibit 1	Curriculum Vitae	12
Exhibit 2	Notice of Deposition	24
Exhibit 3	Annual School Planning 2023-2024 Bates BW__Irvington00334790 to 00334863	51
Exhibit 4	School Performance Report	188
Exhibit 5	Professional Assessment and Development Evaluation Bates BW__Irvington00300320 to 00300325	199
Exhibit 6	Email String Bates BW__Irvington00093416 to 00093444	208
Exhibit 7	Student Code of Conduct Bates BW__Irvington00629349 to 00629430	217
Exhibit 8	Email dated 8/31/22 Bates BW__Irvington00101544	232
Exhibit 9	Uniform Cell Phone Letter dated 1/17/20 Bates BW__Irvington00101546	233

CONFIDENTIAL

Page 6

Exhibit 10 Professional Assessment and 242
Development Evaluation for
School Administrators Bates
BW__Irvington00332758 to
00332766

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CONFIDENTIAL

Page 7

DEPOSITION SUPPORT INDEX

- - - - -

Direction to Witness Not to Answer

Page Line

42 9

274 11

381 11

Request for Production of Documents

Page Line

NONE

Question Marked

Page Line

NONE

CONFIDENTIAL

Page 8

1 THE VIDEOGRAPHER: We are now
2 on the record. My name is Daniel
3 Ortega and I am the legal
4 videographer for Golkow Litigation
5 Services. Today's date is May 1st,
6 2025, and the time is 10:06 a.m.

7 This video deposition is
8 being held at One University
9 Place, Irvington, New Jersey, in
10 the matter of Social Media, CA
11 MDL 3047, Irvington Public
12 Schools versus Meta Platforms,
13 Inc., et al. The deponent today
14 is Michael Bussacco.

15 All counsel will be noted on
16 the stenographic record. The
17 court reporter today is Robin
18 Clark and will now swear in the
19 witness.

20 - - - - -

21 MICHAEL BUSSACCO, having
22 been duly sworn, was examined and
23 testified as follows:

24 - - - - -
25

CONFIDENTIAL

Page 9

1 BY MR. KARP:

2 Q. Mr. Bussacco, good morning.

3 A. Good morning, sir.

4 Q. Can you please state your
5 full name for the record?

6 A. Yeah. My name is Michael
7 Edward Bussacco.

8 Q. My name is Andrew Karp. I
9 represent Snap in this litigation and I'll
10 be taking your deposition today.

11 A. Okay.

12 Q. You understand that you're
13 under oath?

14 A. Yes, sir.

15 Q. Is there any reason you
16 cannot provide truthful and accurate
17 testimony today?

18 A. No.

19 Q. Okay. If at any point you
20 don't understand a question that I've
21 asked, please let me know so that I can
22 clarify. Otherwise, I'm going to assume
23 that you understand the question; is that
24 fair?

25 A. Understood.

CONFIDENTIAL

Page 10

1 Q. Throughout today's
2 deposition, I may refer to Irvington Public
3 Schools as IPS, that's fine?

4 A. Yeah.

5 Q. You'll know if I say, "IPS,"
6 I mean Irvington Public Schools?

7 A. Absolutely.

8 Q. Great.

9 MR. INNES: Counsel, let's
10 just let him get his answers out
11 before you start talking again.

12 BY MR. KARP:

13 Q. Sure. That's actually a good
14 reminder. Let's try to have a clean record
15 here and not talk over each other,
16 likewise, I'll give your counsel an
17 opportunity to object to my questions,
18 which he won't do, of course, because my
19 questions will be flawless, right?

20 MR. INNES: They always are.

21 BY MR. KARP:

22 Q. Always are. Okay. So, Mr.
23 Bussacco, excuse me --

24 A. That's fine.

25 Q. -- what is your home address?

CONFIDENTIAL

Page 11

1 [REDACTED] [REDACTED] [REDACTED] [REDACTED]
2 [REDACTED] [REDACTED]

3 Q. And what is your work
4 address?

5 A. 255 Myrtle Avenue, Irvington,
6 New Jersey.

7 Q. Okay. I'll represent to you
8 that in advance of this deposition, we
9 requested a copy of your CV, but thus far
10 have not received one. Is that something
11 that you brought with you today?

12 A. Yeah.

13 Q. Is that a yes?

14 A. Yes. Yes, it is. I'm
15 sorry --

16 Q. No worries.

17 A. -- first time doing this.

18 Q. Of course. So also a good
19 tip here, it's important to give verbal
20 answers so that we have a record of your
21 responses.

22 A. Understood. Thank you.

23 Q. Thank you. Counsel is
24 handing me a copy of your CV.

25 A. Yeah, I have one here.

CONFIDENTIAL

Page 12

1 MR. INNES: Even one better,
2 I'll hand you two copies.

3 THE WITNESS: I have one in
4 front of me as well.

5 BY MR. KARP:

6 Q. Excellent. Thank you. Okay.
7 Why don't we mark this copy of your CV as
8 Exhibit 1?

9 - - - - -

10 (Curriculum Vitae marked
11 Bussacco Exhibit 1 for
12 identification.)

13 - - - - -

14 BY MR. KARP:

15 Q. Mr. Bussacco, is this a
16 current copy of your CV?

17 MR. INNES: Objection.

18 THE WITNESS: Yes, it is.

19 BY MR. KARP:

20 Q. Is this -- sitting here
21 today, is there anything you would add or
22 change about this CV?

23 A. No.

24 Q. And you prepared this CV?

25 A. Yes, I did.

CONFIDENTIAL

Page 13

1 MR. INNES: Objection.

2 BY MR. KARP:

3 Q. Let's start with your
4 education. According to your CV, you have
5 a master's in administration from Rutgers;
6 is that right?

7 A. That is correct.

8 Q. And in what year did you earn
9 that master's degree?

10 A. 2012.

11 Q. Okay. You also have a
12 master's degree in elementary education
13 from Rutgers?

14 A. Yes, I do.

15 Q. And when did you earn that
16 degree?

17 A. 2008.

18 Q. You have a bachelor's degree
19 in history from Rutgers --

20 A. Yes.

21 Q. -- is that right? And when
22 did you earn that?

23 A. 2007.

24 Q. It says here that you're a
25 candidate for a doctorate in organizational

CONFIDENTIAL

Page 14

1 leadership with an emphasis in K through 12
2 leadership from Grand Canyon University; is
3 that correct?

4 A. That is correct.

5 Q. When do you anticipate
6 completing that degree?

7 A. December of this year.

8 Q. You don't have any degrees
9 relating to psychology?

10 A. I do not.

11 Q. No degrees in counseling?

12 A. I do not.

13 Q. Psychiatry?

14 A. I do not.

15 Q. Behavioral therapy?

16 A. I do not.

17 Q. Are you the author of any
18 articles or studies relating to education?

19 MR. INNES: Objection.

20 MR. KARP: You may answer.

21 THE WITNESS: No.

22 BY MR. KARP:

23 Q. Are you the author of any
24 articles or studies relating to adolescent
25 mental health or well-being?

CONFIDENTIAL

Page 15

1 MR. INNES: Objection to form.

2 THE WITNESS: No.

3 BY MR. KARP:

4 Q. Have you conducted any
5 research on adolescent mental health or
6 well-being?

7 MR. INNES: Objection to form.

8 THE WITNESS: No.

9 BY MR. KARP:

10 Q. Are you the author of any
11 articles or studies relating to social
12 media?

13 MR. INNES: Objection to form.

14 THE WITNESS: No.

15 BY MR. KARP:

16 Q. Have you conducted any
17 research relating to social media?

18 MR. INNES: Objection to form.

19 THE WITNESS: No.

20 BY MR. KARP:

21 Q. Have you read the legal
22 Complaint that IPS has filed in this case?

23 A. Yes.

24 Q. Are you aware that IPS is
25 alleging that social media has caused a

CONFIDENTIAL

Page 16

1 mental health crisis among its students?

2 MR. INNES: Objection to form.

3 THE WITNESS: Yes.

4 BY MR. KARP:

5 Q. Has any professor at Rutgers
6 or Grand Canyon University told you that
7 student use of social media has caused a
8 mental health crisis?

9 MR. INNES: Objection to form.

10 THE WITNESS: No, not
11 directly.

12 BY MR. KARP:

13 Q. Let's shift gears a little
14 bit to your job experience.

15 A. Okay.

16 Q. You're currently the
17 principal at University Middle School; is
18 that right?

19 A. That is correct.

20 Q. And you've been in that role
21 since December of 2021?

22 A. Yes.

23 Q. In that role, you are an
24 employee of Irvington Public Schools; is
25 that right?

CONFIDENTIAL

Page 17

1 A. Correct.

2 Q. And according to your CV,
3 University Middle School includes grades
4 six through eight; is that right?

5 A. That is correct.

6 Q. From July 2018 through
7 December 2021, you were the principal of
8 Community Charter School of Paterson in
9 Paterson, New Jersey; is that right?

10 A. Yes, sir.

11 Q. Community Charter School of
12 Paterson is not part of IPS, right?

13 A. It is not.

14 Q. And the students who attend
15 Community Charter School of Paterson are in
16 grades five through eight?

17 A. Yes, at that school.

18 Q. Before that, from August of
19 2014 through July of 2018, you were the
20 assistant principal of Union Avenue Middle
21 School; is that correct?

22 A. That is correct.

23 Q. Union Avenue Middle School is
24 part of Irvington Public Schools, correct?

25 A. Yes, it is.

CONFIDENTIAL

Page 18

1 Q. And I don't see this on your
2 CV, but can you tell me what grade levels
3 are in included at university -- excuse me,
4 Union Avenue Middle School?

5 A. Absolutely. Grades six to
6 eight.

7 Q. From 2008 -- excuse me, from
8 September 2008 through August 2014, you
9 were a social studies teacher at Union
10 Avenue Middle School; is that right?

11 A. That is correct.

12 Q. What grades did you teach?

13 A. I taught sixth, seventh, and
14 eighth two years each year. Two years of
15 sixth, two years of seventh, and one year
16 of eighth, I apologize, my math is wrong.

17 Q. Good thing you're a social
18 studies teacher.

19 A. Exactly.

20 Q. All right. Before you were a
21 social studies teacher -- or strike that.

22 Did you have any jobs before
23 you were a social studies teacher at Union
24 Avenue Middle School?

25 A. I did have a job -- could you

CONFIDENTIAL

Page 19

1 repeat the question, I'm sorry?

2 Q. Sure. Did you have any jobs
3 before you were a social studies teacher at
4 Union Avenue Middle School?

5 A. No.

6 MR. INNES: Objection to form.

7 THE WITNESS: No, I did not
8 have a job prior to that date at
9 Union Avenue Middle School.

10 BY MR. KARP:

11 Q. Okay. And to clarify, I'm
12 not just asking about jobs within the
13 district, I'm asking about any employment
14 that you might have had.

15 A. I misunderstood your
16 question. Yes, I worked for, it has been a
17 long time ago, Woodbridge Child Diagnostics
18 in Avenel, New Jersey.

19 Q. And what is Woodbridge
20 Child --

21 A. Diagnostics.

22 Q. -- Diagnostics?

23 A. It is no longer in service,
24 but it was a youth house for children in
25 between homes.

CONFIDENTIAL

Page 20

1 Q. And is Woodbridge or was
2 Woodbridge run by the state of New Jersey
3 or was it a private operation?

4 A. To my understanding, it was
5 run by the state of New Jersey.

6 Q. When you were employed with
7 Woodbridge, what populations did you work
8 with?

9 MR. INNES: Objection to form.

10 THE WITNESS: I worked with
11 children that -- from the age of
12 nine or ten all the way up to 17.

13 BY MR. KARP:

14 Q. And can you tell me more
15 about your role with the Woodbridge Child
16 Diagnostics Center?

17 A. Yeah, I was a youth worker
18 and my role was ensuring that student --
19 children, I'm sorry, I'm so used to saying
20 students.

21 Q. That's okay.

22 A. Children, I would take them
23 when assigned I would take them to doctor's
24 appointments. I would take them to the
25 movies. I would take them out for outings.

CONFIDENTIAL

Page 21

1 That was my role. I would supervise them
2 on the floor and that was pretty much my
3 job.

4 Q. Okay. So to sum all this up,
5 you were employed by Irvington Public
6 Schools from 2008 through 2018?

7 A. Uh-huh.

8 Q. You left for approximately
9 three years to work in Paterson?

10 A. Uh-huh.

11 Q. And then returned to
12 Irvington Public Schools in 2021; is that
13 right?

14 A. That is correct.

15 Q. Okay. Why did you leave IPS
16 in 2018?

17 A. I left Irvington Public
18 Schools for a career advancement.

19 Q. The district didn't ask you
20 to leave?

21 A. They did not.

22 Q. Okay. And why did you come
23 back to Irvington Public Schools in 2021?

24 A. I never wanted to leave. I
25 did want to grow my career and I felt like

CONFIDENTIAL

Page 22

1 I wasn't growing at the time, so I took an
2 opportunity to better myself and when the
3 opportunity arose to come back to
4 Irvington, I took it.

5 Q. Were you asked to leave the
6 Community Charter School of Paterson?

7 A. No.

8 Q. Fair to say that in your
9 professional career, you've never taught
10 elementary school or high school at IPS?

11 A. No, I have never taught K to
12 five or nine to 12.

13 Q. Have you ever worked as a
14 mental health counselor or school
15 psychologist for IPS?

16 MR. INNES: Objection to form.

17 THE WITNESS: I have not.

18 BY MR. KARP:

19 Q. Have you ever worked as a
20 social worker for IPS?

21 A. I have not.

22 Q. Have you ever worked as a
23 guidance counselor for IPS?

24 A. I have not.

25 Q. Have you ever held a position

CONFIDENTIAL

Page 23

1 in the IT department for IPS?

2 A. I have not.

3 Q. Have you ever worked in the
4 budget and finance department for IPS?

5 A. No.

6 Q. Mr. Bussacco, have you ever
7 been deposed?

8 A. I have not.

9 Q. This is your first time?

10 A. First time.

11 Q. Congratulations.

12 A. Thank you.

13 Q. Have you ever provided
14 testimony in a legal proceeding?

15 MR. INNES: Objection to form.

16 THE WITNESS: No, I have not.

17 BY MR. KARP:

18 Q. And that would include
19 testifying live at a trial, for example.

20 A. No. I paused because I
21 served on a jury before, so I just had to
22 think.

23 Q. Have you ever been charged
24 with a crime?

25 A. No.

CONFIDENTIAL

Page 24

1 Q. At IPS or elsewhere, have you
2 ever been the subject of disciplinary
3 action in your professional capacity?

4 A. I have not.

5 Q. At IPS or elsewhere, have you
6 ever been investigated for any alleged
7 misconduct in your professional capacity?

8 A. I have not.

9 Q. You can put your CV to the
10 side for now.

11 I'm going to hand you tab
12 one, which we will mark as Exhibit 2.

13 - - - - -

14 (Notice of Deposition marked
15 Bussacco Exhibit 2 for
16 identification.)

17 - - - - -

18 THE WITNESS: Thank you, sir.

19 MR. INNES: Just remind you to
20 take your time and review the whole
21 document.

22 BY MR. KARP:

23 Q. If at any point you need to a
24 chance to review any of the documents that
25 we're going over, please let me know.

CONFIDENTIAL

Page 25

1 A. I would like to review this
2 one.

3 Q. Sure.

4 A. Please.

5 Q. Uh-huh. Are you okay to
6 proceed?

7 A. I am.

8 Q. Have you seen this document
9 before?

10 A. I have not.

11 Q. What is your understanding of
12 why you are here testifying today?

13 A. To discuss my professional
14 view on how social media impacts the lives
15 of our students.

16 Q. And did you do anything to
17 prepare for today's deposition?

18 A. I talked about my résumé, I
19 went over my résumé with the lawyers. And
20 kind of what you just discussed today, we
21 went through certain items they had
22 questions about.

23 Q. So if I understand you
24 correctly, you met with counsel to prepare
25 for today's deposition; is that fair?

CONFIDENTIAL

Page 26

1 A. That is fair.

2 Q. And I don't want to know the
3 specifics of your conversations with
4 counsel, but you did just tell me that you
5 discussed your CV with counsel in
6 preparation for today; is that right?

7 A. Yeah, we discussed a
8 couple --

9 MR. INNES: Objection. One
10 second. So to the extent that you
11 can answer counsel's question
12 without discussing the particulars
13 of our conversation --

14 THE WITNESS: Understood.

15 MR. INNES: -- you can do so.
16 But to the extent that responding
17 to the question would require you
18 to give specifics of our
19 conversation, I would caution you
20 not to answer the question.

21 THE WITNESS: All right. I
22 won't answer the question.

23 BY MR. KARP:

24 Q. Roughly how many times did
25 you meet with counsel in advance of today's

CONFIDENTIAL

Page 27

1 deposition?

2 A. Two times.

3 Q. Do you recall approximately
4 how long those meetings lasted?

5 A. Today was about 30 minutes.
6 And the other one, 90 minutes to maybe a
7 little bit longer, not too much longer than
8 that.

9 Q. So one of those meetings
10 occurred today?

11 A. Uh-huh.

12 Q. And the first meeting you had
13 with counsel, do you recall when that took
14 place?

15 A. Monday or Tuesday of this
16 week. I'm doing testing right now, so.

17 Q. And when you say, "counsel,"
18 who specifically do you mean?

19 A. This gentleman right here.

20 Q. And for those who can't see
21 who you're gesturing to, what is that
22 gentleman's name?

23 A. I'm going to say your first
24 name, so do you want -- there's so many
25 people I'm meeting, sorry.

CONFIDENTIAL

Page 28

1 MR. INNES: Counsel, I can
2 represent that he met with me,
3 Michael Innes.

4 THE WITNESS: I was going to
5 say Michael, because I know him as
6 Michael, sorry. I'm Michael as
7 well, so.

8 BY MR. KARP:

9 Q. Okay. So you met with
10 Michael?

11 A. Yes, I did.

12 Q. Did you meet with any other
13 counsel?

14 A. The gentleman to the left who
15 is present today.

16 Q. Okay.

17 A. And his name again, I just
18 met you this day, I'm so sorry.

19 MR. SIFFRINGER: Ryan
20 Siffringer.

21 THE WITNESS: Ryan.

22 BY MR. KARP:

23 Q. Did you, at either of these
24 two meetings, did you meet with counsel who
25 are actually employed by Irvington Public

CONFIDENTIAL

Page 29

1 Schools?

2 A. I did not, no.

3 MR. INNES: Objection to form.

4 BY MR. KARP:

5 Q. I'll rephrase that question.
6 You understand that the two counsel you've
7 already identified work at an outside law
8 firm, yes?

9 A. Yes.

10 Q. Have you met with any of the
11 in-house counsel for Irvington Public
12 Schools?

13 MR. INNES: Objection to form.

14 THE WITNESS: I have not.

15 BY MR. KARP:

16 Q. Was anyone else present at
17 your meetings with counsel?

18 MR. INNES: Objection to form.

19 THE WITNESS: No, not to my
20 recollection, no.

21 BY MR. KARP:

22 Q. Other than speaking to
23 counsel to prepare for today's deposition,
24 did you speak with any of your colleagues
25 at University Middle School?

CONFIDENTIAL

Page 30

1 A. Regarding, I'm sorry?

2 Q. In preparation for today's
3 deposition, did you speak to any of your
4 colleagues at University Middle School?

5 A. To prepare for my deposition?

6 Q. Yes.

7 A. I did not.

8 Q. Did you speak -- in
9 preparation for today's deposition, did you
10 speak with anyone else at IPS?

11 A. No. Other than they knew I
12 was here today to let them know I was
13 coming here.

14 Q. Sure.

15 A. Uh-huh.

16 Q. Did you review any documents
17 to prepare for today's deposition?

18 MR. INNES: Objection to form.

19 And, Mr. Bussacco, I'll just
20 caution you, again, that to the
21 extent you can respond, but to give
22 particulars of any information that
23 you respond, I caution you against
24 giving those particulars, but you
25 can answer.

CONFIDENTIAL

Page 31

1 THE WITNESS: My résumé that
2 we went over, but that's -- yeah.

3 BY MR. KARP:

4 Q. Okay. Did you review any
5 documents to refresh your recollection of
6 matters that you thought could come up at
7 today's deposition?

8 MR. INNES: Objection.

9 THE WITNESS: Based on
10 counsel, pass that, I won't answer
11 that -- I don't answer that
12 question you said, pass? I don't
13 know how that works.

14 MR. INNES: So -- sure. So
15 this is, yeah, this is a little
16 awkward and tricky, right? Counsel
17 is asking you -- well, to the
18 extent to respond to counsel's
19 question, if you have to reveal
20 attorney-client communications or
21 conversations, I would ask you not
22 to do that. But to the extent that
23 you can respond that you reviewed
24 documents in the case, if you did,
25 you can respond to that.

CONFIDENTIAL

Page 32

1 THE WITNESS: Understood.

2 Okay. Thank you. I reviewed the
3 résumé, as I previously said. And
4 an email that was sent out
5 regarding, and I took a note on
6 this, on Rutgers Comprehensive
7 School of Mental Health and why did
8 I have an email about that.

9 BY MR. KARP:

10 Q. Hold on --

11 A. The Rutgers Comprehensive
12 School of Mental Health and what was that
13 regarding.

14 Q. Were you just referring to
15 your CV?

16 A. No, I told you, I had this
17 and I took notes and that's all I took.

18 Q. Sure.

19 A. Because it's an eight-letter
20 acronym, so I always forget which.

21 Q. Okay. So in preparation
22 for -- you took notes in preparation for
23 today's deposition?

24 A. Yes, Rutgers Comprehensive
25 School of Mental Health and Hanson School

CONFIDENTIAL

Page 33

1 of Mental Health Services, what I wrote
2 today in my notes.

3 Q. And those are acronyms
4 relating to institutions where you have
5 received education?

6 A. They actually regarded --
7 MR. INNES: Objection to form.
8 THE WITNESS: They are
9 regarding a partnership I have for
10 my school at University Middle
11 School. I have a partnership with
12 that company.

13 BY MR. KARP:

14 Q. Okay. We'll request the
15 production of those notes.

16 A. Not a problem.

17 MR. INNES: Do you want us to
18 make a copy for them now?

19 MR. KARP: That would be
20 great. We can go off the record
21 and do that, or we can do it at the
22 next break, either one is fine.

23 MR. INNES: Yeah, we can do it
24 at the next break.

25

CONFIDENTIAL

Page 34

1 BY MR. KARP:

2 Q. Okay. Other than reviewing
3 your CV and reviewing an email to help you
4 understand what those acronyms stand for,
5 did you look at any other documents to
6 refresh your memory or your recollection in
7 advance of today's deposition?

8 MR. INNES: Objection to form.
9 Mr. Bussacco, to the extent you can
10 answer that question generally
11 speaking, you can do so. I would
12 caution you against giving
13 particulars about anything that we
14 communicated about.

15 THE WITNESS: Just emails.

16 BY MR. KARP:

17 Q. Emails plural?

18 A. Yeah, about two or three
19 emails.

20 Q. Relating to those acronyms?

21 A. Most --

22 MR. INNES: Objection.

23 THE WITNESS: Most of them
24 related to that, the two of them,
25 yeah.

CONFIDENTIAL

Page 35

1 BY MR. KARP:

2 Q. What did the other emails
3 relate to?

4 A. When I was a teacher, an
5 email I sent out.

6 Q. Okay. Can you tell me more
7 about that email that you reviewed?

8 MR. INNES: Objection to form.
9 Counsel, I can -- I will represent
10 to you that every document that
11 he's referring to has been produced
12 in the case.

13 MR. KARP: I understand.

14 MR. INNES: If that's what
15 you're trying to figure out, it has
16 been given.

17 MR. KARP: I understand that.
18 I appreciate that representation.
19 I would like to know specifically
20 what he used to refresh his
21 recollection for today's
22 deposition. And if you could
23 identify that specific email,
24 that's our request.

25 MR. INNES: You're making a

CONFIDENTIAL

Page 36

1 request --

2 MR. KARP: I'm making a
3 request for you to identify the
4 email that he --

5 MR. INNES: Okay. You can put
6 that in writing and we can duke
7 that out after hours.

8 MR. KARP: Sure.

9 BY MR. KARP:

10 Q. Sitting here today, what is
11 your -- what is your recollection of the
12 email you reviewed from when you were a
13 teacher?

14 A. Accessing Khan Academy, which
15 is a platform for students, an adapted
16 platform for students to gain mastery at
17 certain deficits they have in ELA and math.

18 Q. Okay. And what did you learn
19 or what did you -- strike that.

20 Why was it important to you
21 to review that email?

22 MR. INNES: Objection to form.

23 THE WITNESS: I don't believe
24 it was important for me to review,
25 it was just a question of why I was

CONFIDENTIAL

Page 37

1 having kids use Khan Academy.

2 BY MR. KARP:

3 Q. And what's the answer to that
4 question?

5 MR. INNES: Objection. I
6 would like to go off the record for
7 a moment.

8 MR. KARP: Sure.

9 MR. INNES: We're just going
10 to take a five-minute break.

11 MR. KARP: Sure. That's fine.

12 MR. INNES: Great. Thanks.

13 THE VIDEOGRAPHER: The time
14 right now is 10:33 a.m. and we are
15 off the record.

16 - - - - -

17 (Discussion was held off the record.)

18 - - - - -

19 THE VIDEOGRAPHER: The time
20 right now is 10:35 a.m. We're back
21 on the record.

22 BY MR. KARP:

23 Q. Mr. Bussacco, before your
24 counsel requested a break, we were talking
25 about an email you reviewed to refresh your

CONFIDENTIAL

Page 38

1 recollection in advance of today's
2 deposition.

3 Do you remember that?

4 A. Yes.

5 Q. It was only a few minutes
6 ago. And you told me that you wanted to
7 understand why you had chosen Khan Academy
8 for your students; is that correct?

9 A. Uh-huh.

10 Q. And what did you learn from
11 reviewing that email?

12 A. It refreshed my memory of
13 what I taught a long time ago, but I didn't
14 learn much from it. It was just a question
15 asked of me, what is this.

16 Q. Other than that email, and
17 the emails you reviewed to understand the
18 meaning of certain acronyms, did you review
19 any other emails to refresh your memory in
20 advance of today's deposition?

21 MR. INNES: Objection to form.

22 THE WITNESS: No.

23 BY MR. KARP:

24 Q. Other than speaking to
25 counsel and reviewing the documents that we

CONFIDENTIAL

Page 39

1 just discussed, have you done anything else
2 to prepare for today's deposition?

3 A. No.

4 Q. Mr. Bussacco, what's your
5 understanding of the allegations in this
6 lawsuit?

7 A. Basic, the impact social
8 media has on student's mental health and
9 day to day.

10 Q. Do you know who the
11 Defendants are in this lawsuit?

12 A. That would be Meta, Snap,
13 TikTok, and there's a couple of other ones,
14 yeah.

15 Q. A couple of other ones?

16 A. A couple of other ones, yeah,
17 but those are the three that come to mind.

18 Q. I'll represent to you that
19 YouTube is --

20 A. YouTube, yes, I know that
21 one, I'm sorry, I apologize.

22 Q. No need to apologize. It's a
23 lot to remember.

24 A. Yeah.

25 Q. When did you become aware of

CONFIDENTIAL

Page 40

1 this lawsuit?

2 A. Exact --

3 MR. INNES: Objection to form.

4 THE WITNESS: Exact date, I
5 don't know. I want to say a couple
6 of months ago, maybe December,
7 January estimate.

8 BY MR. KARP:

9 Q. Okay. So roughly December of
10 2024 or January of 2025?

11 A. Yeah.

12 Q. Were you -- I believe I know
13 the answer to this question, but were you
14 involved in the decision to file this
15 lawsuit?

16 A. I was not.

17 Q. You told me earlier that you
18 reviewed the Complaint in this lawsuit?

19 A. I have --

20 MR. INNES: Objection to form.

21 THE WITNESS: -- yes, but not
22 in detail.

23 BY MR. KARP:

24 Q. Okay. That would be another
25 document that you reviewed in preparation

CONFIDENTIAL

Page 41

1 for today's deposition; is that fair?

2 MR. INNES: Objection to form.

3 THE WITNESS: That would be
4 correct.

5 BY MR. KARP:

6 Q. Have you assisted with
7 drafting any documents that have been used
8 in this litigation such as the Irvington
9 Public Schools fact sheet?

10 MR. INNES: Objection to form.

11 If you can answer that question
12 without divulging attorney-client
13 privilege or conversations you've
14 had with attorneys, you can do so.

15 THE WITNESS: I can't answer
16 that question.

17 BY MR. KARP:

18 Q. Have you assisted in drafting
19 any discovery responses in this lawsuit?

20 MR. INNES: Same objection.
21 Same instruction.

22 THE WITNESS: I cannot.

23 BY MR. KARP:

24 Q. And to clarify, you cannot
25 answer the question because you're

CONFIDENTIAL

Page 42

1 listening to your counsel's instruction or
2 because you don't understand the question?

3 A. Listening to the advisement
4 of my counsel.

5 Q. Has anyone at Irvington
6 Public Schools asked you to provide
7 information to be used in connection with
8 this lawsuit?

9 MR. INNES: Objection to form.
10 Instruct the witness not to answer
11 that question.

12 BY MR. KARP:

13 Q. Are you going to follow your
14 counsel's advice?

15 A. I will follow my counsel's.

16 Q. In your various roles as a
17 teacher, assistant principal, and principal
18 with Irvington Public Schools, have you
19 ever received a performance review?

20 MR. INNES: Objection to form.

21 THE WITNESS: I have.

22 BY MR. KARP:

23 Q. Can you give me an estimate
24 of how many performance reviews you've
25 received during your time at IPS?

CONFIDENTIAL

Page 43

1 A. I can. Five years as a
2 teacher, to the best of my knowledge. Four
3 years as assistant principal. And I will
4 be getting my fourth one this year for
5 principal. So eight, four, and four.

6 Q. Based on that answer, am I
7 correct in understanding that these
8 performance reviews are given annually?

9 A. That is correct.

10 Q. Would those performance
11 reviews be memorialized or written down
12 somewhere?

13 MR. INNES: Objection to form.

14 THE WITNESS: To the best of
15 my understanding, they should be in
16 our files.

17 BY MR. KARP:

18 Q. As part of the process of
19 being reviewed in your professional
20 capacity, did you complete any
21 self-evaluations?

22 A. Yes, it is part of the rubric
23 for a principal.

24 Q. And would those
25 self-evaluations have been in writing as

CONFIDENTIAL

Page 44

1 well?

2 A. Yes.

3 Q. Let's go back to Exhibit 2
4 for a second.

5 A. That is this one, right?

6 Q. Yes, it's the notice. And if
7 you'll follow me to page 6. You'll see in
8 this document that in connection with
9 taking your deposition today, the
10 Defendants in this case requested the
11 production of certain documents and those
12 documents are listed here on page 6.

13 Do you see that?

14 A. Yes.

15 Q. I want to draw your attention
16 to question number four -- or excuse me,
17 request number four. Why don't you take a
18 second to look that over?

19 A. Absolutely. Okay.

20 Q. You would agree with me that
21 we requested the production of
22 self-evaluations and performance reviews
23 relating to certain subject matter?

24 MR. INNES: Objection to form.

25 THE WITNESS: I see that here.

CONFIDENTIAL

Page 45

1 BY MR. KARP:

2 Q. To the best of your
3 recollection, have any of your performance
4 reviews or self-evaluations related to
5 setting or enforcing policy regarding
6 students' use of electronic devices or
7 online media and communication services?

8 A. Could you repeat that
9 question?

10 MR. INNES: Objection. Is
11 there a question there?

12 BY MR. KARP:

13 Q. Yes, I did ask a question.
14 And I'll ask it again.

15 A. Thank you.

16 Q. To the best of your
17 recollection, did any of your performance
18 reviews or self-evaluations from IPS relate
19 to setting or enforcing policy regarding
20 students' use of electronic devices or
21 social media?

22 MR. INNES: Objection to form.

23 THE WITNESS: So if I
24 understand your question correctly,
25 you're asking has any of my

CONFIDENTIAL

Page 46

1 performance reviews focused
2 specifically on setting or
3 enforcing policy regarding
4 students' electronic devices or
5 online media; is that correct?

6 BY MR. KARP:

7 Q. That's correct.

8 A. Not specifically.

9 Q. Meaning that those
10 performance reviews and self-evaluations
11 did not expressly reference setting or
12 enforcing policies for students' uses of
13 social media or electronic devices?

14 MR. INNES: Objection.
15 Misstates prior testimony and
16 objection to form.

17 THE WITNESS: Can you say that
18 one more time? I'm just processing
19 to make sure.

20 MR. KARP: Sure.

21 THE WITNESS: Sorry about
22 that.

23 BY MR. KARP:

24 Q. And maybe I'll ask a
25 different question. Have any of your

CONFIDENTIAL

Page 47

1 performance reviews or self-evaluations
2 from IPS mentioned setting or enforcing
3 policy regarding students' use of
4 electronic devices or social media?

5 MR. INNES: Objection to form.

6 THE WITNESS: Performance
7 review would include enforcing
8 policy, but district policy, which
9 electronic devices are is embedded
10 into the policy. So what is my
11 ability to enforce policy regarding
12 all the policies set by Irvington
13 Public Schools district and that
14 there is an electronic device
15 policy within the district, so it
16 would fall under that, but not
17 explicitly, if that makes sense.

18 BY MR. KARP:

19 Q. Thank you. It does make
20 sense. Looking down at subpart B in the
21 notice, have any of your self-evaluations
22 or performance reviews related to setting
23 or enforcing policy regarding teachers' use
24 of electronic devices or social media?

25 MR. INNES: Objection to form.

CONFIDENTIAL

Page 48

1 THE WITNESS: And this answer
2 will be similar to the last one
3 where we would be discussing me
4 enforcing policy and we do have a
5 policy on teachers' use of
6 electronic devices and online media
7 and communication services.

8 BY MR. KARP:

9 Q. Okay. Would that be the same
10 answer or a similar answer for subpart C,
11 which relates to setting or enforcing
12 policy regarding monitoring or treating
13 mental, social, emotional, or behavioral
14 health of students?

15 MR. INNES: Objection to form.

16 THE WITNESS: Yes, it would
17 for enforcing policy regarding
18 monitoring.

19 BY MR. KARP:

20 Q. I think you can probably
21 guess where I'm going next --

22 A. D.

23 Q. -- subpart D. Have any of
24 your self-evaluations or performance
25 reviews related to monitoring or treating

CONFIDENTIAL

Page 49

1 mental, social, emotional, or behavioral
2 health of students?

3 MR. INNES: Objection to form.

4 THE WITNESS: Monitoring.

5 BY MR. KARP:

6 Q. Have any of your
7 self-evaluations or performance reviews
8 related to studying, measuring, or
9 reporting on mental, social, emotional, or
10 behavioral health of students?

11 MR. INNES: Objection to form.

12 THE WITNESS: So has my
13 performance review specifically --
14 I'm sorry, I forgot there's a mic
15 there -- focused on that question,
16 E, studying, measuring, reporting
17 on social, emotional, or behavioral
18 health of students, yes, for
19 reporting only.

20 BY MR. KARP:

21 Q. And have any of your
22 self-evaluations or performance reviews
23 related to setting or enforcing policy
24 regarding student and staff discipline?

25 A. I don't set --

CONFIDENTIAL

Page 50

1 MR. INNES: Objection to form.

2 THE WITNESS: I don't set
3 policy, I enforce policy.

4 BY MR. KARP:

5 Q. Okay. So some of the
6 self-evaluations and performance reviews
7 you've received relate to enforcing policy
8 regarding student and staff discipline?

9 MR. INNES: Objection to form.

10 THE WITNESS: Yes.

11 MR. KARP: That's a yes, okay.

12 The witness has testified
13 that there are a number of
14 responsive performance reviews
15 and self-evaluations to this
16 request and we would renew our
17 request for those documents, I
18 don't believe they have been
19 produced.

20 MR. INNES: Sure. You can
21 send us a letter about that and
22 we'll respond.

23 MR. KARP: Sure.

24 MR. INNES: I'm not sure your
25 record reflects that, but okay.

CONFIDENTIAL

Page 51

1 MR. KARP: I think it does.

2 BY MR. KARP:

3 Q. You can put this exhibit to
4 the side.

5 A. Absolutely.

6 Q. Actually, I'm about to start
7 a pretty long line of questioning and we
8 have been going roughly an hour, just a bit
9 under, do you want to take a quick break?

10 MR. INNES: Do you need a
11 break?

12 THE WITNESS: I'm fine, if you
13 guys are fine.

14 BY MR. KARP:

15 Q. You're fine to continue?

16 A. I'm fine.

17 Q. Sure. Let's keep going. I'm
18 going to hand you tab two, which is --
19 which we will mark as Exhibit 3.

20 A. Thank you.

21 - - - - -

22 (Annual School Planning

23 2023-2024 Bates

24 BW__Irvington00334790 to 00334863

25 marked Bussacco Exhibit 3 for

CONFIDENTIAL

Page 52

1 identification.)

2 - - - - -

3 BY MR. KARP:

4 Q. The starting Bates number on
5 this document is BW__Irvington00334790.

6 Mr. Bussacco, are you
7 familiar with this document?

8 A. Yes, I am.

9 Q. I see you nodding your head
10 emphatically.

11 A. I said yes.

12 Q. What is this document?

13 A. This is the annual school
14 plan. It is part of a plan we submit to
15 the department of education every year. It
16 breaks down areas, root causes of areas we
17 believe we need to improve upon, areas that
18 we're doing really well on, intervention
19 areas, and how we can continue to move the
20 school forward.

21 Q. Okay.

22 A. So it's a comprehensive plan.

23 Q. You said the department of
24 education, you're referring to the New
25 Jersey Department of Education?

CONFIDENTIAL

Page 53

1 A. Yes, New Jersey. There are
2 many states, you're right.

3 Q. And did you create this
4 annual school planning document?

5 A. The template is provided by
6 the department of education, New Jersey's
7 department of education. We fill in on
8 their template.

9 Q. Okay. So you provided
10 information to help prepare this annual
11 school planning?

12 A. That is accurate.

13 Q. Okay. Did you draft any
14 sections of this document?

15 MR. INNES: Objection to form.
16 Counsel, before we keep going, I
17 just want to note for the record,
18 is this part of a family or is this
19 a standalone document that was
20 produced?

21 MR. KARP: Offhand, I don't
22 know the answer to that question
23 but I can let you know at a break.

24 MR. INNES: Sure. I mean, it
25 has been our consistent position

CONFIDENTIAL

Page 54

1 that full families should be used
2 as exhibits, so.

3 MR. KARP: I'm fairly
4 confident that this document was
5 part of Mr. Bussacco's custodial
6 file, but we can sort that out on a
7 break. And I note your objection.

8 THE WITNESS: And what was
9 your question again? I'm sorry.

10 BY MR. KARP:

11 Q. Of course. Did you draft any
12 sections of the annual school planning for
13 2023-2024?

14 A. Yes.

15 Q. Do you recall which sections
16 you contributed to?

17 A. I'm going to refer you to
18 page 1. Page 1 certifies that I worked on
19 all parts of this document.

20 Q. Were you responsible for
21 ensuring the accuracy of this document?

22 A. Yes, I was one of the people,
23 one of the team responsible for that, that
24 is correct.

25 Q. Do you have any reason to

CONFIDENTIAL

Page 55

1 doubt the accuracy of any data that is
2 contained in this document?

3 MR. INNES: Mr. Bussacco, I
4 would instruct you to review the
5 entire document before answering
6 that question. It's a 74-page
7 document. Take your time.

8 THE WITNESS: I was going to
9 say, this is not the current plan,
10 so I would have to refamiliarize --
11 I would have to look at the
12 document, to be honest with you, to
13 know that.

14 BY MR. KARP:

15 Q. At the time that this
16 document was finalized and went out the
17 door to the New Jersey Department of
18 Education, did you feel confident in the
19 accuracy of the data that was contained in
20 this report?

21 MR. INNES: Objection to form.
22 Lack of foundation. Compound.

23 THE WITNESS: So did I feel
24 confident in what was submitted to
25 the NJDOE, department of education

CONFIDENTIAL

Page 56

1 is your question?

2 BY MR. KARP:

3 Q. That's the question.

4 A. I would say I did, based on
5 page 73.

6 Q. Certainly it's your intent to
7 provide truthful and accurate and complete
8 information to the New Jersey Department of
9 Education, yes?

10 A. That is correct.

11 Q. Okay. You beat me to this
12 already, but let's take a look at page 1.
13 You were the first individual listed in
14 this table called "ASP Development Team
15 Members."

16 Do you see that?

17 A. Uh-huh, yes, sir.

18 Q. You're identified as the
19 principal and the table includes the word,
20 "yes" under comprehensive analysis and
21 needs, root cause analysis, and SMART Goal
22 development; is that right?

23 A. That is right.

24 MR. INNES: Objection to form.
25

CONFIDENTIAL

Page 57

1 BY MR. KARP:

2 Q. What's the significance of
3 the word, "yes" under -- in the columns for
4 comprehensive and analysis needs, root
5 cause analysis, and SMART Goal development?

6 MR. INNES: Objection to form.

7 THE WITNESS: The "yes"
8 signifies that I was part of the
9 development in that area, talking
10 about questions, debating what to
11 put down there, and then overall
12 making a determination as a team.

13 BY MR. KARP:

14 Q. Are these ASP documents
15 submitted to the New Jersey Department of
16 Education by every IPS school?

17 MR. INNES: Objection to form.
18 You've shown him one ASP, now
19 you're referring to multiple ASP
20 documents.

21 BY MR. KARP:

22 Q. Sure. I can rephrase the
23 question, does every IPS school submit an
24 ASP -- excuse me, does every IPS school
25 submit an ASP to the New Jersey Department

CONFIDENTIAL

Page 58

1 of Education annually?

2 MR. INNES: Objection to form.

3 THE WITNESS: To the best of
4 my knowledge, they submit them to
5 our superintendent. So going back
6 prior to Dr. Vauss, my knowledge,
7 it went to Dr. Hackett, but we
8 submit them to the superintendent
9 and from their part, it gets
10 submitted and it depends on what
11 school. I don't know if every
12 school submits it. I've only
13 worked at two.

14 BY MR. KARP:

15 Q. Okay. And for the two
16 schools that you've worked at within IPS,
17 you have submitted an ASP to the New Jersey
18 Department of Education every year?

19 MR. INNES: Objection to form.
20 Which school are we talking about?

21 THE WITNESS: Union Avenue.
22 You're talking about Union Avenue
23 and University Middle School, the
24 two schools I worked at?

25

CONFIDENTIAL

Page 59

1 BY MR. KARP:

2 Q. I'm referring to the two
3 schools you worked at.

4 A. So the two schools I worked
5 at were Union Avenue Middle School --
6 University Middle School and Union Avenue
7 Middle School. And, yes, we did submit at
8 my time there. I can only speak to at
9 Union Ave. though from when I became
10 assistant principal in 2014.

11 Q. Understood. To your
12 knowledge, is it a requirement that every
13 school in the state of New Jersey submit an
14 ASP to the New Jersey Department of
15 Education?

16 MR. INNES: Objection to form.
17 Calls for speculation.

18 THE WITNESS: To my knowledge,
19 I don't know if every district is
20 required to submit this.

21 BY MR. KARP:

22 Q. Do you know if the
23 requirement to submit an ASP to the New
24 Jersey Department of Education is limited
25 only to Title I schools?

CONFIDENTIAL

Page 60

1 MR. INNES: Objection to form.
2 Lack of foundation.

3 THE WITNESS: I know that we
4 are a Title I district and that's
5 why we submit -- that's one of the
6 reasons we submit it.

7 BY MR. KARP:

8 Q. Okay. So one of the reasons
9 that schools in IPS submit these ASPs to
10 the New Jersey Department of Education is
11 that they are Title I schools?

12 MR. INNES: Objection to form.
13 Misstates prior testimony. Again,
14 you've shown him one ASP, you're
15 referring to multiple ASPs, but
16 it's your record.

17 MR. KARP: We have been
18 discussing ASPs generally, I think
19 the question is fine. You're
20 entitled to disagree.

21 THE WITNESS: Can you say the
22 question again? I apologize.

23 BY MR. KARP:

24 Q. Of course. You just told me
25 that IPS schools are Title I, correct?

CONFIDENTIAL

Page 61

1 A. Correct, we are a Title I
2 district.

3 Q. And is your Title I
4 designation one of the reasons that IPS
5 schools submit ASPs to the New Jersey
6 Department of Education?

7 MR. INNES: Objection to form.

8 THE WITNESS: To the best of
9 my understanding, yes.

10 BY MR. KARP:

11 Q. Let's take a look at page 4.
12 There's a table on page 4 titled, "Prior
13 Year Interventions."

14 Do you see that?

15 A. Yes.

16 Q. What is the significance of
17 this table?

18 MR. INNES: Object to the
19 form.

20 THE WITNESS: These were
21 interventions that we used for the
22 specific plan in 2022 to 2023 and
23 we would provide a basic measurable
24 outcome at that time about if we
25 would like to continue this

CONFIDENTIAL

Page 62

1 intervention or would we like to
2 cease the intervention.

3 BY MR. KARP:

4 Q. Does this table list all of
5 the interventions that University Middle
6 School executed during the 2022-2023 school
7 year?

8 A. It does not.

9 Q. There would be additional
10 interventions that are not included here?

11 A. Absolutely.

12 Q. And why weren't those other
13 interventions included?

14 A. Refreshing my memory, looking
15 at this document, I believe we were
16 focusing on one, two, three, four, five,
17 six areas -- no, five areas that we were
18 focused on bringing back. We saw huge
19 successes in certain programs such as after
20 school and Saturday Academy, the PBS IST,
21 positive behavior support, so we wanted to
22 let the state know that we really liked
23 these interventions we put forward and we
24 would like to continue them. And to the
25 best of my understanding, I don't know if

CONFIDENTIAL

Page 63

1 we had more space to put more information,
2 if we had other boxes, I can't recall.

3 Q. I don't want to put words in
4 your mouth, so --

5 A. That's fine.

6 Q. -- please let me know if you
7 don't agree with this, but were these the
8 interventions that University Middle School
9 prioritized for the New Jersey Department
10 of Education?

11 MR. INNES: Objection to form.

12 THE WITNESS: These were a
13 handful of the priorities,
14 absolutely.

15 BY MR. KARP:

16 Q. Would you consider these to
17 be key interventions that University Middle
18 School executed during the 2022-2023 school
19 year?

20 MR. INNES: Objection to form.

21 THE WITNESS: Say that one
22 more time, key what, I apologize.

23 BY MR. KARP:

24 Q. That's okay. Do you consider
25 these to be key interventions or important

CONFIDENTIAL

Page 64

1 interventions that University Middle School
2 executed during the 2022-2023 school year?

3 MR. INNES: Objection to form.

4 THE WITNESS: I believe these
5 were five of several, that yes,
6 that were key.

7 BY MR. KARP:

8 Q. And this table also indicates
9 or reflects whether University Middle
10 School intended to continue with these
11 intervention programs, right?

12 A. Yes, they are.

13 MR. INNES: Objection to form.

14 THE WITNESS: As indicated in
15 column 5.

16 BY MR. KARP:

17 Q. Correct.

18 MR. INNES: Sorry, Mike, just
19 give me a second to --

20 THE WITNESS: Sorry.

21 MR. INNES: Fast going
22 conversation, but just give me a
23 second to get an objection in if I
24 need to. Thank you.

25 THE WITNESS: No problem.

CONFIDENTIAL

Page 65

1 BY MR. KARP:

2 Q. The far right column of this
3 table describes the measurable outcomes of
4 these interventions?

5 MR. INNES: Is that a
6 question?

7 THE WITNESS: That is correct,
8 if that's a question.

9 BY MR. KARP:

10 Q. You'd agree with me that the
11 words, "social media" do not appear
12 anywhere in this table, correct?

13 A. I do not see the words,
14 "social media," explicitly on this table.

15 Q. Let's turn now to page 24. I
16 promise we won't go through all 74 pages of
17 this. The table on this page, which
18 continues for several pages, is titled,
19 "Climate and Culture."

20 Do you see that?

21 A. I do.

22 Q. What kind of information is
23 contained in this table?

24 A. The state requests that we
25 provide enrollment numbers, attendance

CONFIDENTIAL

Page 66

1 rates for students and staff, chronic
2 absenteeism, it's climate and culture
3 surveys, discipline. They do ask for
4 college and career readiness, but it's
5 blank, because I am in middle school, so
6 it's not applicable. And they -- I think,
7 that's the end of it, I think it ends on
8 page 33.

9 Q. Okay. If you look toward the
10 right-hand side of the page, you'll see a
11 column called, "your data"?

12 A. What page am I on, sir? I've
13 flipped through a lot.

14 Q. That's okay. Go back to
15 page 24?

16 A. Thank you.

17 Q. So on page 24, on the
18 right-hand side, you'll see a column
19 called, "your data."

20 A. Uh-huh.

21 Q. Do you see that?

22 A. I do.

23 Q. Does this column reflect the
24 enrollment data for University Middle
25 School for various school years?

CONFIDENTIAL

Page 67

1 MR. INNES: Objection to form.

2 THE WITNESS: It does, it
3 includes from 2020 to 2023.

4 BY MR. KARP:

5 Q. Okay. So this column
6 includes the enrollment data for University
7 Middle School from 2020 through 2023,
8 correct?

9 A. That is correct.

10 Q. Do you have any reason to
11 doubt the accuracy of the enrollment data
12 contained in this column?

13 MR. INNES: Objection to form.

14 THE WITNESS: I don't doubt
15 it, but the numbers based on just
16 the transient nature of our
17 district, it could be off by a few
18 numbers but nothing major.

19 BY MR. KARP:

20 Q. Okay. Understood. The
21 overall enrollment at University Middle
22 School for the 2022-2023 school year was
23 723 students.

24 Do you see that?

25 A. Yeah, approximately at that

CONFIDENTIAL

Page 68

1 time when this was created, because this is
2 not created at the end of year. As you see
3 at the bottom, it was created in February.

4 Q. Okay. So, again, correct me
5 if I am not understanding you, but this
6 document is -- or strike that actually.

7 The numbers that are
8 included here may be off by a few students
9 here and there?

10 A. Absolutely.

11 Q. But for the most part, you
12 consider this data to be accurate?

13 A. Fairly accurate, absolutely.

14 Q. Okay. So just to ask that
15 question one more time, the overall
16 enrollment at University Middle School in
17 2022 through 2023 was roughly 723 students?

18 MR. INNES: Objection. Asked
19 and answered.

20 THE WITNESS: Correct, at the
21 draft of this document, at the date
22 of the draft of this document.

23 BY MR. KARP:

24 Q. Sure. And at the time that
25 this document was drafted 518 of those

CONFIDENTIAL

Page 69

1 students were African American?

2 A. Correct.

3 Q. Okay. 198 of those students
4 were Hispanic?

5 A. Yup.

6 Q. Three of those students were
7 Asian?

8 A. Uh-huh.

9 Q. Two were American Indian?

10 A. Okay.

11 Q. One was Pacific Islander?

12 A. Yup.

13 Q. And one was multiracial?

14 A. Yup. I was just looking at
15 the numbers and added them up.

16 Q. Of course. Do these numbers
17 generally reflect the makeup of the broader
18 Irvington community?

19 MR. INNES: Objection to form.

20 THE WITNESS: I would say in
21 more recent years, we have -- our
22 Hispanic population has increased,
23 but the other populations have
24 relatively stayed the same.

25

CONFIDENTIAL

Page 70

1 BY MR. KARP:

2 Q. Okay. Ninety-one students
3 are listed as SWD for the 2022-2023 school
4 year; is that right?

5 A. Ninety-one, yes.

6 Q. And SWD stands for students
7 with disabilities?

8 A. That is correct.

9 Q. To your knowledge, does this
10 category refer only to physical
11 disabilities or would it also include other
12 forms of disability?

13 MR. INNES: Objection to form.

14 THE WITNESS: It's based on
15 their educational -- Individual
16 Education Plan, their IEP, so it's
17 based on academic need and
18 assistance. So there's
19 self-contained, there are inclusion
20 students, and there's resource
21 students.

22 BY MR. KARP:

23 Q. I'll represent to you that 91
24 out of 723 is approximately 12.5 percent.

25 Do you have any reason to

CONFIDENTIAL

Page 71

1 doubt my math?

2 A. I trust you on that --

3 MR. INNES: Object to form.

4 THE WITNESS: I would trust
5 you on your math, because I don't
6 want to do it.

7 BY MR. KARP:

8 Q. If we can reach that
9 agreement, I think we're going to be in
10 good shape today.

11 So you would agree with me,
12 assuming that my math is correct, that
13 12.5 percent or approximately 12.5 percent
14 of students at University Middle School
15 during the 2022-23 school year were
16 students with disabilities?

17 A. That would be accurate using
18 the numbers 91 and 723.

19 MR. KARP: Can I request a
20 brief break just to deal with a
21 tech issue on my computer?

22 MR. INNES: Sure.

23 MR. KARP: Thank you.

24 THE VIDEOGRAPHER: The time
25 right now is 11:09 a.m. We are off

CONFIDENTIAL

Page 72

1 the record.

2 - - - - -

3 (A recess was taken at this time.)

4 - - - - -

5 THE VIDEOGRAPHER: The time
6 right now is 11:22 p.m. -- I'm
7 sorry, a.m., we are back on the
8 record.

9 MR. KARP: Thank goodness,
10 it's not p.m.

11 THE WITNESS: Yeah.

12 MR. INNES: We'll get there.

13 BY MR. KARP:

14 Q. Mr. Bussacco, welcome back.

15 A. Thank you.

16 Q. We just took a brief break.

17 Before the break, we were talking about the
18 annual school planning for the 2023-2024
19 school year, right?

20 A. That is correct.

21 Q. And I'll pick up from our
22 questioning on page 24. Are you on that
23 page?

24 A. Yes, I am.

25 Q. And according to this

CONFIDENTIAL

Page 73

1 document, during the 2022-2023 school year,
2 University Middle School had 172 students
3 who were designated ELL?

4 A. Uh-huh.

5 Q. Do you see that?

6 A. Yes, I do.

7 Q. And does ELL stand for
8 English language learner?

9 A. That is correct.

10 Q. And English language learners
11 are students whose first language or
12 primary language is not English; is that
13 correct?

14 A. That is correct.

15 Q. I'll represent to you that
16 172 out of 723 is approximately 24 percent.
17 Any reason to doubt my math?

18 A. I do not doubt you.

19 Q. Okay. So, again, assuming my
20 math is right, approximately 24 percent of
21 students at University Middle School during
22 the 2022-2023 school year were designated
23 ELL?

24 A. Yeah.

25 Q. Generally speaking, does

CONFIDENTIAL

Page 74

1 University Middle School serve a large
2 immigrant community?

3 MR. INNES: Objection to form.

4 THE WITNESS: Yes, I would
5 equate about a quarter of them, a
6 quarter of students being an amount
7 as a large percentage.

8 BY MR. KARP:

9 Q. And do you have an
10 understanding of where those immigrants
11 hail from?

12 A. All over the place, all over.

13 Q. Can you give me some
14 examples?

15 A. I've had students come all
16 the way up from Chile. I've had students
17 come from Central America. I have had
18 students coming from Dominican Republic,
19 Haiti, all over. Some of my students
20 take -- you know, travel to get here, so.

21 Q. Of course. We just spent
22 some time going over the data for
23 2022-2023. Let's look at some prior years.

24 A. Okay.

25 Q. If you look down at the

CONFIDENTIAL

Page 75

1 table, you'll see the data for, the
2 enrollment data from the 2021-2022 school
3 year.

4 A. Yup, yes.

5 Q. Overall enrollment at
6 University Middle School for the 2021-2022
7 school year was 755 students; is that
8 right?

9 A. Yes, that is, yes.

10 Q. Of the 755 students, 152 from
11 ELL; is that right?

12 A. Where do you see that? I'm
13 sorry? Oh, I see it right there, I
14 apologize.

15 Q. On the next page.

16 A. Yes, that's why, yeah. I see
17 it.

18 Q. To your knowledge, is the
19 enrollment data for the 2021 and 2022
20 school year that's contained in this table
21 complete and accurate?

22 A. To the best of my knowledge,
23 it is.

24 Q. And let's keep moving and
25 look at the data for the 2020-2021 school

CONFIDENTIAL

Page 76

1 year, which appears on page 25 and spills
2 onto page 26.

3 Do you see that?

4 A. I do.

5 Q. Okay. The overall enrollment
6 at University Middle School for the
7 2020-2021 school year was 778 students,
8 correct?

9 A. Yes, based on this report.

10 Q. Of these 778 -- excuse me, of
11 these 778 students, 118 were ELL, right?

12 A. Based on what was shared with
13 me, correct.

14 Q. Okay. To your knowledge, is
15 the data contained in this table for the
16 2020-2021 enrollment at University Middle
17 School complete and accurate?

18 A. Based on what was shared with
19 me, yes.

20 Q. Based on the data we just
21 looked at, you'd agree with me that overall
22 enrollment at University Middle School has
23 decreased over the last several years?

24 A. It has.

25 Q. Overall enrollment at

CONFIDENTIAL

Page 77

1 University Middle School was 778, then it
2 was 755, and then it was 723 in the three
3 years that we just discussed, correct?

4 A. Yes, but it has increased
5 since.

6 Q. It has increased in the
7 2023-2024 school year, is that what you
8 mean?

9 A. And then, yeah -- and yup.

10 Q. And so the decline was over
11 these few years that we just looked at, but
12 since then, the numbers have gone up?

13 A. Yes, slightly, but nothing
14 major.

15 Q. Okay. To your knowledge, why
16 did enrollment at UMS decline over this
17 three-year period?

18 A. I can speak only to 2021 to
19 2023, as I wasn't in the district at the
20 time, so I can't speak to anything prior to
21 2021 -- well, the gap, but at this school.
22 Why do I believe enrollment declined? To
23 me, it's a slight declinement. It's what I
24 would consider less than 2 percent, if my
25 math is correct, 778 to 755. It's not a

CONFIDENTIAL

Page 78

1 major decrease. It could be because of --
2 we have a very fluid district, which means
3 that I have registrations constantly,
4 almost every day I have a registration, and
5 then sometimes people leave. They might
6 wind up going back to their home country.
7 They might wind up going to a different
8 state. So, yes, it did decrease, but it's
9 nothing alarming.

10 Q. Just to make sure we're on
11 the same page, the enrollment dropped from
12 778 in the 2020 to 2021 school year to 723
13 in the 2022-2023 school year?

14 A. Oh, I was comparing to 755 to
15 723 when I was speaking. But from 2021, I
16 can assume, once again, I wasn't in the
17 district for these years for 2020-2021, the
18 world was experiencing a pandemic at the
19 time. It could be that -- there's a lot of
20 factors that could happen why the numbers
21 decreased.

22 Q. You'd agree that the pandemic
23 was a very disruptive time for students at
24 IPS?

25 MR. INNES: Objection to form.

CONFIDENTIAL

Page 79

1 THE WITNESS: My opinion, I
2 think it was disruptive for
3 everyone.

4 BY MR. KARP:

5 Q. Sure. Despite the declining
6 numbers in enrollment at University Middle
7 School over these three years, the number
8 of ELL students increased; is that right?

9 A. That is correct.

10 Q. Okay. And those numbers went
11 from 118 to 152 to 172 over this three-year
12 period?

13 MR. INNES: Objection to form.

14 THE WITNESS: Yes, based on
15 this data.

16 BY MR. KARP:

17 Q. What is your understanding of
18 why the number of ELL students increased
19 during this three-year period?

20 MR. INNES: Objection to form.
21 Calls for speculation.

22 MR. KARP: I'm asking for his
23 understanding.

24 THE WITNESS: My
25 understanding, a lot of our

CONFIDENTIAL

Page 80

1 students and families come here for
2 a better opportunity from their
3 home countries and some of them
4 have traveled, as I said, as far as
5 South America, Central America, all
6 the way to little old Irvington, so
7 a lot of immigrants wind up in this
8 area.

9 BY MR. KARP:

10 Q. You'd agree with me as the
11 overall enrollment at University Middle
12 School declined and the number of ELL
13 students increased over this three-year
14 period, the percentage of ELL students at
15 University Middle School went up?

16 A. Absolutely.

17 Q. Let's turn to page 26. You'd
18 agree with me that page 26 includes
19 attendance data for University Middle
20 School?

21 A. It does include it.

22 Q. In the column called, "your
23 data," the phrase, "overall student
24 attendance" appears a number of times.

25 Do you see that?

CONFIDENTIAL

Page 81

1 A. Yes, I do.

2 Q. What does overall student
3 attendance mean?

4 A. An aggregated data of year to
5 date from September to June. So this is
6 where our percentage of attendance is as of
7 June. So you take each month and it gives
8 you a percentage and it gives you the
9 aggregated data of, for example, 22-23,
10 overall student attendance, 93.5 percent of
11 our students attended school on a regular
12 basis.

13 Q. And what is your
14 understanding of -- or when you say that
15 they attended school on a regular basis,
16 what do you mean by regular basis?

17 A. So it includes their
18 absences. So, basically, when you factor
19 in all attendance and absences,
20 93.5 percent of our students attended
21 school for the year. They didn't miss
22 days, basically is what I'm saying. So
23 there's kids that may -- for example, let
24 me rephrase it this way. So I'm a student
25 at University Middle School, I missed two

CONFIDENTIAL

Page 82

1 days of school, that would give me a
2 percentage, two divided by 180, that's my
3 percentage. When you take all of the
4 students in there, it gives you everyone's
5 percentage and then it gives you a
6 percentage of how many students attended
7 for the year.

8 Q. I see. So overall student
9 attendance reflects the average attendance
10 rate --

11 A. For the year.

12 Q. -- for the year? Okay.

13 A. Uh-huh. So it should say, to
14 be more clear, it should say year to date
15 rather than overall.

16 Q. Understood. And the overall
17 student attendance at University Middle
18 School for the 2022-2023 school year was
19 93.5 percent?

20 A. That is accurate.

21 Q. And that number for the
22 2021-2022 school year was 93.7 percent?

23 A. Uh-huh.

24 Q. And that number for the 2020
25 to 2021 school year was 89.65 percent

CONFIDENTIAL

Page 83

1 correct?

2 A. That's what I see, yes.

3 Q. Were more University Middle
4 School students absent due to remote
5 learning during the COVID-19 pandemic?

6 MR. INNES: Objection to form.

7 THE WITNESS: When I returned
8 to district, we were back in
9 school. There was no remote
10 learning when I returned to
11 district.

12 BY MR. KARP:

13 Q. Do you have an understanding
14 of why the number -- why the overall
15 student attendance rate was lower in 2020
16 to 2021 than in the two subsequent years
17 that are listed here?

18 MR. INNES: Objection to form.

19 THE WITNESS: I can assume or
20 speculate based on my knowledge as
21 a principal in another district
22 that it could be because of kids
23 not logging on remotely during the
24 2020-2021 year, but I can't speak
25 specifically for Irvington at that

CONFIDENTIAL

Page 84

1 time.

2 BY MR. KARP:

3 Q. During the 2020 to 2021
4 school year -- strike that. Sorry.

5 Let's look at page 27.
6 Page 27 includes data regarding chronic
7 absenteeism at University Middle School.

8 Do you see that?

9 A. I do.

10 Q. And according to this report,
11 UMS defines chronic absenteeism as, "the
12 percentage of students who are absent
13 10 percent or more of the days from the
14 start of school to the current date and
15 includes both excused and unexcused
16 absences."

17 Did I read that correctly?

18 A. The only change I would make
19 in that statement is that is not
20 Irvington's, that is the department of
21 education's, New Jersey's definition.

22 Q. Okay. That is the state of
23 New Jersey's definition of chronic
24 absenteeism?

25 A. Yes, sir.

CONFIDENTIAL

Page 85

1 Q. At the time that this ASP
2 report was put together, the rate of
3 chronic absenteeism at University Middle
4 School for the 2023-2024 school year was
5 12.12 percent --

6 MR. INNES: Objection to form.

7 MR. KARP: -- is that right?

8 THE WITNESS: The overall year
9 to date quantity, yes, 12.2 in the
10 column pre-populated data we're
11 talking about?

12 BY MR. KARP:

13 Q. Yes.

14 A. Yes.

15 Q. So at the time that this ASP
16 was put together, 12.12 percent of UMS
17 students had missed 10 percent or more of
18 school days during the 2023-2024 school
19 year; is that right?

20 MR. INNES: Objection to form.

21 THE WITNESS: To the best of
22 my understanding, yes.

23 BY MR. KARP:

24 Q. In the column called, "your
25 data," there is a section for the 2022-2023

CONFIDENTIAL

Page 86

1 school year.

2 Do you see that?

3 A. I do.

4 Q. There are no percentages
5 included for overall chronic absenteeism.

6 Do you see that?

7 A. I do.

8 Q. Do you know why that data is
9 missing?

10 A. Oversight, but if you look to
11 the left, it would be that data. That's
12 the current data, the pre-populated. It
13 would be similar to that. If you look at
14 other trends, they're fairly similar
15 numbers.

16 Q. Okay.

17 A. So I think it was just an
18 oversight that someone didn't copy that and
19 we missed it.

20 Q. Got it.

21 A. So I would say from looking
22 at all the other data, assuming based on
23 other data here, that if you look above
24 when we were just talking about attendance
25 rate, if you look in the column overall

CONFIDENTIAL

Page 87

1 year to date student attendance average,
2 93.5 and if you look to the your data, it
3 says 93.5. So I would say the overall
4 chronic absenteeism was 12.12. Subgroup
5 one is special ed. Subgroup two is ELL.
6 And I don't --

7 Q. So am I understanding you
8 correctly your -- you believe that the
9 pre-populated data that's listed at the top
10 of page 27 applies to the 2022 to 2023
11 academic year or would roughly be the same?

12 A. To the best of my
13 understanding, it should be roughly the
14 same, because that is pre-populated based
15 on the data we provided to the state on a
16 monthly basis.

17 Q. Okay, there are breakdowns
18 for that school year for grade six, grade
19 seven and grade eight.

20 Do you see that?

21 A. I do.

22 Q. And for grade six, 21 percent
23 of University Middle School students were
24 chronically absent during this year, do you
25 agree?

CONFIDENTIAL

Page 88

1 MR. INNES: Objection to form.

2 THE WITNESS: Yes, but I do
3 not believe that is the overall
4 number. I believe it's an earlier
5 date before the plan was submitted.
6 So basically there was a -- so how
7 chronic absenteeism works, we look
8 at it on a month-by-month basis.
9 Always in September, our numbers
10 are extremely high, because,
11 unfortunately, sometimes kids don't
12 start on time. I don't want to
13 send my kid to school for the first
14 three days, it's half days, I'm
15 going to let them have extra time,
16 that impacts us. But as we do
17 interventions and strategies to
18 lower the number, that number
19 decreases. So looking at this,
20 mathematically just from a quick
21 glance, I'm not doing any
22 calculations, it does not seem
23 accurate, that number. Because if
24 you had 21 percent, 22 percent, and
25 20 percent, you couldn't get

CONFIDENTIAL

Page 89

1 12 percent. So I think that's
2 inaccurate data that got submitted.
3 Just from me looking at it very
4 quickly.

5 BY MR. KARP:

6 Q. The center column could
7 represent, I don't want to put words in
8 your mouth --

9 A. No, fine.

10 Q. -- so, please, you know, the
11 center column could represent the data that
12 exists as of the time that this report was
13 created in -- during the 2023-2024 school
14 year as it applies to the 2023-2024 school
15 year, correct?

16 MR. INNES: Objection to form.
17 Calls for speculation.

18 THE WITNESS: Could you repeat
19 that? Just I want to make sure I
20 answer that correctly.

21 BY MR. KARP:

22 Q. Sure. The 12.12 percent
23 that's indicated here in this table may not
24 rise to the levels we see in the column to
25 the right, because the year hasn't been

CONFIDENTIAL

Page 90

1 completed yet, correct?

2 A. It's a possibility.

3 Q. If we look at the overall --
4 excuse me, if we look at the absenteeism
5 rates for the 2022 through 2023 school
6 year, we see between grades six and grades
7 eight, a rate of 20 to 22 percent of
8 chronic absenteeism.

9 Do you see that?

10 MR. INNES: Objection.

11 Misstates the document.

12 THE WITNESS: Looking at the
13 document, the grade six, 21, grade
14 seven, 22, grade eight, 20 percent,
15 and your question is?

16 BY MR. KARP:

17 Q. The range of chronic
18 absenteeism for the 2022 to 2023 school
19 year is between 20 and 22 percent, do you
20 agree?

21 A. At one point, the percentage
22 was that, but I don't believe that's how we
23 ended the year.

24 Q. This report was put together
25 in -- during the 2023-2024 school year,

CONFIDENTIAL

Page 91

1 correct?

2 A. This report was put together
3 between the 2022-2023 school year for the
4 23-24 year. This report is for next year's
5 plan, 23-24. We're looking at stuff from
6 22-23 to build the 23-24 school year.

7 Q. So the data that's reflected
8 for the 2022 to 2023 school year is not
9 complete at this point in time?

10 A. Say that again. So in this
11 column you're talking about, or in the
12 overall --

13 Q. I'm looking in the your data
14 column specifically.

15 A. Okay.

16 Q. And I'm looking at the data
17 for the 2022 to 2023 school year.

18 MR. INNES: And which page are
19 we on?

20 MR. KARP: We're on page 27.

21 THE WITNESS: Twenty-seven.

22 Okay. And your question was again,
23 I apologize?

24 BY MR. KARP:

25 Q. My question is -- well, let

CONFIDENTIAL

Page 92

1 me take a step back and just ask a
2 different question.

3 A. Okay.

4 Q. When was this report put
5 together?

6 A. This report, let me go back
7 to page 1 to make sure I'm saying it
8 correctly, this report for the 23-24 school
9 year was done -- I just want to make sure
10 I'm saying it right, I'm doing the 25-26
11 right now, so it would be before, so this
12 was done in February 2023 to June 2023. We
13 work on it for that long, putting together
14 data, having meetings, all that fun stuff.

15 Q. The date on this document, if
16 you look at the bottom, is February 4,
17 2024?

18 A. I'm assuming, and I can only
19 assume, this was recovered in my files and
20 this is a PDF version of it, when I
21 downloaded it, to reference it for the
22 current year, because it's a fluid
23 document. So that's not the date, that was
24 the date it was downloaded as a PDF, not
25 submitted. I can help you, if you go to

CONFIDENTIAL

Page 93

1 the last page, to the best of my
2 understanding, I submitted this report on
3 June 16, 2023 --

4 Q. That's helpful.

5 A. -- is when I submitted this
6 report.

7 Q. Okay. Excellent. Thank you.

8 A. You're welcome.

9 Q. Let's look at the data for
10 2021 and 2022.

11 A. What page are we going back
12 to, 27?

13 Q. Sure, yes, page 27.

14 A. Okay.

15 Q. You'd agree with me that the
16 data for the 2021 through 2022 school year
17 was complete --

18 A. I do.

19 Q. -- at this point in time --

20 A. Absolutely.

21 Q. -- when the report was
22 created, yes?

23 A. I agree with that statement.

24 Q. Okay. And the overall rate
25 of chronic absenteeism for that school year

CONFIDENTIAL

Page 94

1 was 21 percent?

2 A. For the 2021-2022 school
3 year, yes.

4 Q. Correct.

5 A. Uh-huh.

6 Q. And if you look at the
7 breakdowns for grade six, grade seven, and
8 grade eight, you'll see that the range of
9 chronic absenteeism was between 20 percent
10 and 22 percent. Do you agree?

11 A. I do.

12 Q. We also have data for the
13 year before, which is the 2021 -- excuse
14 me, 2020 through 2021 school year.

15 Do you see that --

16 A. I do.

17 Q. -- on page 28? Overall
18 chronic absenteeism that year was
19 31 percent, right?

20 A. That's what was reported to
21 me, correct.

22 Q. And the range that we see for
23 the individual grades at the University
24 Middle School was between 30 and
25 32 percent, right?

CONFIDENTIAL

Page 95

1 A. Correct.

2 Q. Would you agree with me that
3 chronic absenteeism was an even bigger
4 challenge for University Middle School
5 during the pandemic?

6 MR. INNES: Objection to form.

7 THE WITNESS: I would agree it
8 was hard getting children to log on
9 based on my experience in another
10 district, but similar demographics,
11 middle school, yes.

12 BY MR. KARP:

13 Q. During the 2020 to 2021
14 school year, nearly one-third of students
15 at University Middle School were
16 chronically absent, right?

17 MR. INNES: Objection to form.

18 THE WITNESS: Yeah,
19 approximately, based on, yup.

20 BY MR. KARP:

21 Q. That means that nearly one in
22 three students were absent for 10 percent
23 or more of the school year, correct?

24 A. That is accurate based on the
25 definition, yeah.

CONFIDENTIAL

Page 96

1 Q. Do you have any reason to
2 dispute the chronic absenteeism data in
3 this table?

4 A. I don't. It was provided to
5 me by the previous principal.

6 Q. And this would have been data
7 that you approved, that you reviewed and
8 approved before it was sent to the New
9 Jersey Department of Education, correct?

10 MR. INNES: Objection to form.

11 THE WITNESS: For the most
12 part -- well, yes, we do review
13 things, but as you see, sometimes
14 things slip through the crack. And
15 this is a fluid document and it can
16 be changed even after being
17 submitted.

18 BY MR. KARP:

19 Q. Do you recall making any
20 changes to this document?

21 MR. INNES: Objection to form.

22 THE WITNESS: I don't recall,
23 but sometimes, I make changes based
24 on dollar amounts. When you go
25 through the plan, you see that

CONFIDENTIAL

Page 97

1 maybe I budgeted, and this is just
2 me speculating, I budget \$2,000 for
3 a plan and find out that it's
4 \$4,000, I have to readjust and move
5 money around.

6 BY MR. KARP:

7 Q. But for this specific plan --

8 A. No, prior year data, I do not
9 change.

10 Q. During your time as principal
11 of University Middle School, has it been a
12 priority to reduce chronic absenteeism?

13 A. Yes, it's part of the Every
14 Student Succeeds Act.

15 Q. Why is reducing chronic
16 absenteeism a priority for University
17 Middle School?

18 A. The more time students are at
19 school, the more they learn. That's just a
20 basic answer. But chronic absenteeism, if
21 they're with us, we know they're learning.

22 Q. Does chronic absenteeism lead
23 to worse educational outcomes for students?

24 A. Based on my understanding, it
25 can, based on research, the more time

CONFIDENTIAL

Page 98

1 you're out of the classroom, the less time
2 you're receiving academics.

3 Q. You would agree with me that
4 chronic absenteeism could cause students to
5 fall behind their classmates?

6 MR. INNES: Objection to form.

7 THE WITNESS: It's possible.

8 BY MR. KARP:

9 Q. As principal of University
10 Middle School, what have you personally
11 observed in the effects of chronic
12 absenteeism on students here?

13 A. So if I'm understanding you
14 correctly, how has chronic absenteeism
15 affected University Middle School as a
16 whole?

17 Q. I was asking about just the
18 student experience, but I would also like
19 to hear your answer as to how it has
20 affected the school more generally.

21 A. Absolutely. Chronic
22 absenteeism makes it very difficult -- I'll
23 start backwards. I usually start with
24 students, but I'll end with students. It
25 makes it very difficult for teachers to

CONFIDENTIAL

Page 99

1 teach, students aren't there and they're
2 behind, so they have to constantly reteach
3 lessons, have students stay after school,
4 all that good stuff, reach out to parents,
5 do their best to make them aware.

6 How it has impacted
7 students. Students, I have students that
8 are chronically absent for many reasons, so
9 it has impacted their academics. Sometimes
10 they have to go to summer school because
11 they have missed so many days and I
12 can't -- they can't be promoted based on
13 their current grades.

14 It has led to them wanting
15 to talk to school counselors and our HSSC,
16 which is our health and social service
17 coordinator, because we found out there's a
18 lot of underlying reasons why they're
19 chronically absent, and they talk about
20 that with them. I can delve into that if
21 you would like me to some more about how
22 that impacts us. So constantly. I was
23 fortunate enough to get an additional
24 school counselor to deal with chronic
25 absenteeism, and a dean, because it was

CONFIDENTIAL

Page 100

1 becoming so rampant and part of it was we
2 had students who missed school because they
3 didn't go to sleep, because they are on
4 video games, they're on social media
5 platforms, so many reasons why, but those
6 are my main two, that children are
7 constantly on their devices, mainly their
8 phones, and they don't make it to school.
9 And depending on how you look at it,
10 sometimes parents wake up their child, they
11 have to go to work, just like the rest of
12 us in this room, and they had everything
13 ready for their child, sometimes the child
14 just doesn't make it to school. So then
15 we're putting systems in place. The school
16 counselor is identifying what is causing
17 these issues, why they're absent. We do
18 something called Check and Connect where we
19 meet with them, we do a check-in, kind of
20 restorative practices, how can we assist
21 you with your problems that you're
22 experiencing, and give them strategies.
23 And it leads to a whole bunch of things
24 that we have done such as getting another
25 school counselor, getting another dean,

CONFIDENTIAL

Page 101

1 doing restorative practices, talking about
2 the impact of social media, the impact of
3 not coming to school. And I can go on and
4 on if you would like me to.

5 Q. I'm good breaking here, if
6 you are. So you said a lot, I have a
7 number of follow-up questions.

8 A. Absolutely.

9 Q. You mentioned that chronic
10 absenteeism leads to teachers working
11 harder; is that right?

12 A. Yeah, harder than even --
13 they work hard now, now it's even harder,
14 because they have to make sure that child
15 is caught up, because our teachers don't
16 just dismiss children, even though they're
17 chronically absent, we've got to make sure
18 they're caught up. They're giving up their
19 lunchtime. They're giving up after-school
20 time. They're constantly in communication
21 with parents and students, reaching out to
22 them on Global Classroom, opening up their
23 grade books after they're closed, and I
24 don't know if you know that's a nightmare
25 for teachers, so, yeah, it's a lot.

CONFIDENTIAL

Page 102

1 Q. Chronic absenteeism leads to
2 these kinds of inefficiencies in the
3 classroom, do you agree?

4 A. Yeah, when a child is not
5 there, it takes away from them learning,
6 yeah, absolutely.

7 Q. Whether that student is
8 absent because she's home babysitting a
9 sibling or home playing video games, that
10 absence is having the same effect on --

11 A. There are different types of
12 absences, since you brought it up. We do
13 experience some children that have to stay
14 home and watch their younger siblings.
15 Those students are, I would guess, I would
16 say more self-sufficient in my experience
17 where they're able to go onto the Google
18 classroom and keep up with their
19 assignments compared to students that are
20 chronically absent because they didn't go
21 to sleep the night before.

22 Q. Understood. You mentioned
23 that when students are chronically absent,
24 it could lead them to fall behind and be
25 held back and not promoted to the next

CONFIDENTIAL

Page 103

1 grade; is that right?

2 A. It's a possibility if they
3 are unable to keep up with all the missed
4 assignments and activities, because they
5 compound. So if I miss five or six days in
6 a row, yes, I get time to make it up, but
7 am I still able to make it up based on all
8 of my other responsibilities and things
9 that I have going on in my life of the
10 child that I think is a bigger priority
11 than my education, because we are talking
12 about middle school students.

13 Q. So you would agree that it's
14 not good for a student's self-esteem to be
15 held back a class year?

16 A. A hundred percent, it's not
17 good for self-esteem, which is why we don't
18 promote it, retention. We offer summer
19 school. We offer Saturday Academy to
20 recover some missed work. So I've had to
21 hire staff to work on Saturdays to help
22 these scholars catch up on their chronic
23 absenteeism. We have been doing that for
24 two years, which has helped us a lot,
25 because, academically, we can't make up

CONFIDENTIAL

Page 104

1 their absences, but, academically, they're
2 able to come to a location with certified
3 teachers and staff members to help them
4 with these missed assignments.

5 Q. You also mentioned that in
6 some instances, parents just fail to wake
7 up their kids in the morning or make sure
8 that they've actually gone off to school;
9 is that right?

10 A. No, I would rephrase that
11 saying that they did their best, they woke
12 them up, when they left, their child was
13 awake, but sometimes when they leave and
14 they have to go to work, because they might
15 have to be at work at 7:00, our children
16 don't come to school until 7:45 or 8:00,
17 sometimes they fall asleep and take
18 advantage of the situation, because, once
19 again, we're dealing with middle school
20 students who no matter where you are in the
21 country or the world, middle school
22 students will take advantage and their job
23 is to push the boundaries, push that line.
24 And so it's our job to show them where that
25 line is as educators and parents.

CONFIDENTIAL

Page 105

1 Q. Right. You'd agree with me
2 that chronic absenteeism is disruptive of
3 school culture?

4 MR. INNES: Objection to form.

5 THE WITNESS: What would
6 you -- could you elaborate on what
7 you mean by that?

8 BY MR. KARP:

9 Q. Sure. It may be difficult to
10 establish a cohesive culture if people
11 aren't actually in school making social
12 connections?

13 A. So if I understand you
14 correctly, if I'm a chronically absent
15 student, is it difficult for me to, not
16 assimilate, I don't like that word, but to
17 be part of the culture if I'm not there?

18 Q. Correct.

19 A. It could be, but even when
20 they're not physically there, a lot of my
21 students are still there. They know what's
22 going on, because they're connected through
23 cell phones and social media platforms. So
24 they are connected in some way, just not
25 physically.

CONFIDENTIAL

Page 106

1 Q. Chronic absenteeism may
2 create certain inefficiencies to the extent
3 when you are setting aside money for the
4 school year, you're budgeting for a certain
5 number of students to be in the classroom;
6 is that right?

7 MR. INNES: Objection to form.

8 THE WITNESS: Your question is
9 I'm budgeting for students to be in
10 the classroom?

11 BY MR. KARP:

12 Q. A certain number of students
13 to be in attendance.

14 A. Our budget is based on
15 students enrollment, not attendance, but
16 enrollment.

17 Q. And if you're basing your
18 budget on enrollment, you're expecting
19 everyone who is enrolled to be --

20 A. To come to school.

21 Q. -- in school, right?

22 A. That's fair.

23 Q. So when students don't show
24 up for school, don't attend class, that
25 creates inefficiencies in the budget, would

CONFIDENTIAL

Page 107

1 you agree?

2 MR. INNES: Objection to form.

3 THE WITNESS: What do you mean
4 by inefficiencies when a student
5 doesn't come? That one I'm lost
6 on.

7 BY MR. KARP:

8 Q. Sure. You might devote a
9 certain amount of resources to a class that
10 you're expecting to be -- to have 30
11 people, but only 15 attend.

12 A. Okay.

13 Q. And then you need to, I
14 think, allocate other resources in order to
15 address the other 15 that didn't show up.

16 A. So you're saying, if I'm
17 understanding you, I would have to -- I
18 budgeted for, let's just say for argument's
19 sake, 30 Chromebooks for 30 students in the
20 classroom, most students don't come and I
21 have to relocate my money to figure out how
22 to figure out how to tackle chronic
23 absenteeism problems?

24 Q. I'm talking about the money
25 that was spent in order to provide the

CONFIDENTIAL

Page 108

1 students you expected to be there with
2 technology, just to stick with your
3 example.

4 A. It would still be there, even
5 if they didn't come, we would budget for
6 the number of kids enrolled, not
7 attendance.

8 Q. Shifting gears a little bit,
9 as principal of University Middle School,
10 are you concerned that while they're
11 missing class, these chronically absent
12 students may be home alone and isolated?

13 MR. INNES: Objection to form.

14 THE WITNESS: I definitely
15 don't think they're isolated. As I
16 mentioned earlier, children are
17 never isolated because of this, a
18 cell phone is what I'm pointing to,
19 and everything that it has. So,
20 no, I'm not worried that they're
21 isolated. I do worry sometimes
22 that in general, that is a student
23 home, is a student safe, because
24 that is part of my job as well.

25 And then we have systems in

CONFIDENTIAL

Page 109

1 place for that. If a student
2 misses five days, I send out a
3 ride officer to make sure
4 everything is okay. We reach
5 out, we have school counselors
6 call, we have deans call, so
7 there's a lot of assistance in
8 place to take that worry off.
9 And if we are -- let's just say
10 that I'm a person that doesn't
11 come -- I always come to school
12 and I miss three days in a row,
13 there's already phone calls and
14 everything going out, so we have
15 systems in place. So I wouldn't
16 generally say I'm worried, it's
17 just, you always have a worry in
18 your head when all your kids
19 aren't there. You always -- just
20 like your own child, you're
21 wondering, like, is everything
22 okay.

23 BY MR. KARP:

24 Q. I believe you said one of
25 your concerns is that if they're not in

CONFIDENTIAL

Page 110

1 school, they may be unsafe; is that right?

2 MR. INNES: Objection to form.
3 Misstates prior testimony.

4 THE WITNESS: I wouldn't say
5 that they're unsafe, because
6 they're home and I don't know if
7 they're unsafe, so I can't say that
8 they are. My concern is are they
9 home, are they doing what they're
10 supposed to, because we're dealing
11 with middle schools kids once
12 again. I don't know if you have a
13 middle school kid or ever had one,
14 they push the boundaries. I have
15 been doing this for 15, 16 years
16 with middle school kids. My job as
17 a middle school principal in part
18 is instilling in academics and
19 ensuring policy is educating middle
20 school students on how to make
21 right choices. And part of our
22 choices and seldom times, middle
23 school kids take advantage of
24 everyone and they say they're going
25 to school, not all of them, a

CONFIDENTIAL

Page 111

1 handful, and they don't and they go
2 to the park and they hang out.
3 Anything that can happen, and
4 that's not an Irvington problem,
5 that's a middle school problem.

6 BY MR. KARP:

7 Q. Are you concerned that
8 while -- as principal of University Middle
9 School, are you concerned that while
10 they're missing class, chronically absent
11 students may be drinking alcohol or taking
12 drugs?

13 MR. INNES: Objection to form.

14 THE WITNESS: That hasn't -- I
15 haven't thought about that when
16 they're absent, no.

17 BY MR. KARP:

18 Q. Do you have concerns as the
19 principal of University Middle School that
20 students who are chronically absent may be
21 engaging in criminal behavioral?

22 A. I do not. And part of that
23 is because I was a chronically absent
24 student, so.

25 Q. You mentioned some of the

CONFIDENTIAL

Page 112

1 reasons that you believe students are
2 chronically absent, has University Middle
3 School ever studied or researched the
4 underlying reasons for chronic absenteeism
5 at the school?

6 MR. INNES: Objection to form.

7 THE WITNESS: So you say study
8 and research, are you talking
9 about, like, an official, like a
10 dissertation or a published article
11 or just conversations that would
12 pop up in a meeting?

13 BY MR. KARP:

14 Q. More of the former, has
15 University Middle School collected any data
16 or specifically studied why students are
17 chronically absent at University Middle
18 School?

19 MR. INNES: Objection to form.

20 THE WITNESS: Definitely
21 haven't made an official study.
22 Have we collected data, anecdotal
23 records, I would say, of why, when
24 we do our Check and Connect, as I
25 talked about a little bit earlier.

CONFIDENTIAL

Page 113

1 Check and Connect is when I meet
2 with a dean, school counselor,
3 principal, teacher, someone I'm
4 comfortable with meeting as a
5 child, they divulge reasons why
6 they're chronically absent, so
7 anecdotal records.

8 BY MR. KARP:

9 Q. But no statistics or figures,
10 nothing quantitative like that?

11 MR. INNES: Objection to form.

12 THE WITNESS: Have we done it
13 statistically, no.

14 BY MR. KARP:

15 Q. Let's take a look at page 30
16 of Exhibit 3.

17 A. Yes.

18 Q. This table includes
19 disciplinary data for University Middle
20 School, right?

21 A. Yes, it does.

22 Q. If we look at the your data
23 column, we see that the total number of
24 suspensions for the 2021-2022 school year
25 was 246.

CONFIDENTIAL

Page 114

1 Do you see that?

2 A. I do see that.

3 Q. Do you have any reason to
4 doubt the accuracy of that number?

5 A. I do not.

6 Q. We spoke earlier about how
7 the overall enrollment at University Middle
8 School during the 2021-2022 school year was
9 755 students.

10 Do you recall that?

11 A. I do recall that
12 conversation.

13 Q. If you have 246 suspensions
14 and 755 students, that's roughly one
15 suspension for every three students, do you
16 agree?

17 MR. INNES: Objection to form.

18 THE WITNESS: You say that's
19 one suspension for every three
20 students?

21 BY MR. KARP:

22 Q. Correct.

23 A. I couldn't say that, because
24 sometimes students get suspended -- the
25 same student gets suspended multiple times.

CONFIDENTIAL

Page 115

1 Q. Sure. And I'm not saying
2 that one in three students get suspended,
3 I'm saying there would be 200 -- there
4 would be one suspension for every three
5 students that you have enrolled at
6 University Middle School?

7 MR. INNES: Objection to form.

8 THE WITNESS: If you phrase it
9 that way, but the overall
10 suspension for the year average was
11 under 2 percent.

12 BY MR. KARP:

13 Q. I'm not understanding what
14 you're saying about that data point, can
15 you explain?

16 A. So you're saying one in three
17 would have been suspended. That's what you
18 said, correct? Like, how would you say you
19 said that then --

20 Q. Sure. I'm saying if you
21 compare the number of suspensions to the
22 enrollment number, the ratio is one to
23 three.

24 A. So 246 to 755 is one to three
25 is what you're saying?

CONFIDENTIAL

Page 116

1 Q. Roughly, yes.

2 A. And then what is your
3 question about the one to three?

4 Q. Just if that math is
5 accurate.

6 MR. INNES: Objection to form.

7 THE WITNESS: If you looked at
8 it from that standpoint, yes, it
9 would be one to three.

10 BY MR. KARP:

11 Q. The rightmost column of this
12 table is titled, "Observations/Trends."

13 Do you see that?

14 A. Absolutely.

15 Q. And the table states, "The
16 return to in-person learning presented some
17 challenges. We experienced many behavioral
18 and social challenges. Students had to
19 readjust to structure, routines, and
20 procedures of the school setting."

21 Did I read that correctly?

22 A. Yes, you did.

23 Q. Is it true that the return to
24 in-person learning presented some
25 challenges for University Middle School?

CONFIDENTIAL

Page 117

1 A. Yes, one of the major
2 challenges was getting children to
3 understand that they cannot be connected to
4 their cell phone at all times, because as
5 we're all well aware, students across the
6 country were allowed to run rampant while
7 everyone else was working and everyone was
8 remote, so during that time, what I saw in
9 Paterson and what I saw when I returned to
10 Irvington, very similar, students forgot
11 this was not part of the classroom, the
12 cell phone and social media and the text
13 messaging and that caused the majority of
14 our uptick in referrals and our problems
15 with social and behavior. Students didn't
16 know how to interact with each other. They
17 became accustomed to talking about each
18 other on social media platforms and other
19 various tools and they did not know how to
20 have conversations in person anymore
21 leading to daily interruptions to
22 instruction, which continues today. It's
23 gotten better based on interventions my
24 school has put in place and the district,
25 but it's still an issue today. It's

CONFIDENTIAL

Page 118

1 actually still a big issue, but the worst
2 year for me and my staff was 21-22, because
3 it was the return to school after being
4 allowed on social media, computers, cell
5 phones.

6 Q. And I appreciate that
7 response and I know you're doing your level
8 best to answer my questions. I'll just ask
9 that you listen very carefully to my
10 question. I simply asked whether, you
11 know, yes or no whether the return to
12 in-person learning presented some
13 challenges.

14 A. Oh, yes.

15 MR. INNES: Asked and
16 answered.

17 THE WITNESS: Yes.

18 BY MR. KARP:

19 Q. Certainly answered. Move to
20 strike the nonresponsive portions of the
21 testimony.

22 MR. INNES: Object. That's
23 not even a thing.

24 BY MR. KARP:

25 Q. You would agree with me that

CONFIDENTIAL

Page 119

1 this table does not actually refer to
2 social media or technology use explicitly,
3 correct?

4 A. Does it refer explicitly to
5 the word, "social media" is your question?

6 Q. Correct.

7 A. No, but just behavioral and
8 social challenges.

9 Q. Right. Or to ask the
10 question slightly different, the words,
11 "social media" don't appear in this part of
12 the table, correct?

13 A. Yeah, nor does any other
14 specific challenges.

15 Q. Okay. Well, the challenges
16 that you do identify are structure -- the
17 need to readjust to the structure,
18 routines, and procedures of the school
19 setting, right?

20 A. Correct.

21 Q. Is it your experience that
22 students became accustomed to a lack of
23 structure during -- while they were
24 learning remotely during the COVID-19
25 pandemic?

CONFIDENTIAL

Page 120

1 A. A lack of school structure,
2 yes.

3 Q. Has it been your experience
4 as a teacher and administrator for IPS that
5 students benefit from having a routine?

6 A. Yes.

7 Q. Structure and routine create
8 stability for students, right?

9 A. It's a fact.

10 THE STENOGRAPHER: What was
11 that?

12 THE WITNESS: Yes, a fact.

13 BY MR. KARP:

14 Q. I don't see data in this
15 table for the 2022 to 2023 academic year.
16 Do you know why that is?

17 A. It might have just been left
18 out on accident, an oversight. But the
19 pre-populated data is to the left. So
20 that's the information the state has about
21 University Middle School as of the end of
22 2023, the date specifically June 16, 2023.
23 And it's not broken down like the data in
24 your data, but the state looks at it
25 differently.

CONFIDENTIAL

Page 121

1 Student suspension
2 year-to-date average they reported based on
3 all the data supplied to them, 1.97 percent
4 of our students had suspensions. And the
5 state average is, the state goal is not to
6 exceed 5 percent.

7 Q. Let's turn to page 42. This
8 section of the ASP is called, "Priority
9 Performance Needs and Root Cause Analysis."
10 Do you see that?

11 A. I do.

12 Q. What kind of information is
13 contained in this table?

14 A. Based on how you create an
15 end of school plan, you are allowed to have
16 three areas, all three of them are preset
17 by the state, effective instruction,
18 effective instruction, climate and culture,
19 those are the three areas the state told us
20 we had to focus on.

21 So effective instruction,
22 the first row would be our ELA, second one
23 would be mathematics, as I referred to as
24 SMART Goal 2, and SMART Goal 3 is climate
25 and culture.

CONFIDENTIAL

Page 122

1 Q. When you say the state told
2 you to focus on those areas, do you mean
3 they told University Middle School
4 specifically to focus on those areas or
5 they told every school who was completing
6 this ASP to focus on those areas?

7 A. I can't --

8 MR. INNES: Objection. Calls
9 for speculation.

10 THE WITNESS: I can't speak to
11 every school, but I know that we
12 are provided with these
13 instructions.

14 BY MR. KARP:

15 Q. Okay.

16 A. So that's why, so effective
17 instruction first row, SMART Goal 1 was
18 referred to in the rest of the document.
19 The second one is SMART Goal 2, and the
20 third one is referred to as SMART Goal 3.

21 Q. And the word SMART here is an
22 acronym standing for Specific, Measurable,
23 Achievable, Relevant, and Time-Bound?

24 A. Yes.

25 Q. This area -- excuse me, this

CONFIDENTIAL

Page 123

1 column called "Area Focus for SMART Goals"
2 describes potential areas of improvement
3 for University Middle School; is that
4 right?

5 A. Which column are you talking
6 about?

7 Q. The area of focus for SMART
8 Goals.

9 A. Yeah, so that's effective
10 instruction is referred to later in the
11 document to SMART Goal 1, SMART Goal 2,
12 SMART Goal 3.

13 Q. And the column called,
14 "Priority Performance Need" explains why
15 University Middle School is pursuing these
16 goals, right?

17 A. Yup, the most recent IXL --
18 yes, that would be accurate. And that's
19 just one of many priority performance needs
20 and we don't -- we only list a limited
21 amount.

22 Q. What kind of information is
23 contained in the column called, "Possible
24 Root Causes"?

25 A. That is -- what kind of, say

CONFIDENTIAL

Page 124

1 that again, what kind of information?

2 Q. What kind of information is
3 contained in that column?

4 MR. INNES: Objection.

5 THE WITNESS: That is what we
6 believe possible, we believe based
7 on what we've seen as educators,
8 educational leaders, deans, school
9 counselors, what we believe is our
10 root causes that contribute to our
11 need. So kind of like a backwards
12 design.

13 BY MR. KARP:

14 Q. The rightmost column of this
15 table is called, "Strategies to Address
16 Challenge."

17 Do you see that?

18 A. Yes.

19 Q. The information on this
20 column is intended to answer the question,
21 "What does the root cause imply for next
22 steps in improvement planning?"

23 Do you see that?

24 A. I do.

25 Q. So as we've discussed a

CONFIDENTIAL

Page 125

1 little bit already, this table identifies
2 three SMART Goals for UMS, right?

3 A. Yes.

4 Q. The first area of focus is
5 effective instruction.

6 Do you see that?

7 A. Yes.

8 Q. And this first row relates to
9 student performance in English and language
10 arts, right?

11 A. That is correct.

12 Q. Okay. And according to
13 what's written in the priority performance
14 need column, 66 percent of sixth graders,
15 77 percent of seventh graders, and
16 74 percent of eighth graders at University
17 Middle School were two or more grade levels
18 behind in ELA, correct?

19 A. Yup.

20 Q. And ELA stands for English
21 language arts?

22 A. That is correct.

23 Q. Okay. And if we look in the
24 possible root causes column, we see that a
25 comprehensive needs assessment and data

CONFIDENTIAL

Page 126

1 analysis allowed University Middle School
2 to conclude that language barriers and ELLs
3 were a possible root cause of this
4 underperformance, do you agree?

5 MR. INNES: Objection.

6 Misstates the document.

7 THE WITNESS: Yes, that is
8 what the root cause was suspected
9 to be.

10 BY MR. KARP:

11 Q. Okay. Technology is not
12 listed as a possible root cause of this
13 underperformance in ELA, correct?

14 A. There's no technology listed
15 in that statement.

16 Q. UMS does not identify cell
17 phones as a possible root cause for this
18 underperformance?

19 MR. INNES: Objection to form.

20 THE WITNESS: We do not on
21 this statement.

22 BY MR. KARP:

23 Q. UMS does not -- does not
24 identify social media as the reason or a
25 possible root cause for why students

CONFIDENTIAL

Page 127

1 underperformed in ELA, correct?

2 MR. INNES: Objection to form.

3 THE WITNESS: Correct, based
4 on the design of the ASP.

5 BY MR. KARP:

6 Q. And according to the column
7 header, these possible root causes are
8 based upon the CNA and data analysis.

9 Do you see that?

10 A. Yes.

11 Q. And CNA means comprehensive
12 needs assessment?

13 A. Correct.

14 Q. So these are data driven?

15 A. Based off of IXL, based on
16 the priority performance need. So it's a
17 backwards design, so the root causes are
18 based on the IXL, nothing else.

19 Q. What does IXL stand for?

20 A. You're taking me back. It's
21 a -- it's a -- I can't remember for the
22 life of me, I do apologize.

23 Q. That's okay.

24 A. Basically though it's just a
25 comprehensive tool where it starts you off

CONFIDENTIAL

Page 128

1 at your current level and assesses you.
2 It's adaptive, that's what -- so it's an
3 adaptive program. So we take an assessment
4 on where you're at and then we use it to
5 help catch up the gaps while also teaching
6 the curriculum at the same time.

7 Q. Let's look at the next item
8 in this table, which is also effective
9 instruction, and this SMART Goal relates to
10 UMS students' performance in mathematics,
11 correct?

12 A. Yes.

13 Q. And according to what's
14 written in the priority performance need
15 column, 44 percent of sixth graders,
16 49 percent of seventh graders, and
17 57 percent of eighth graders at University
18 Middle School were three or more grade
19 levels behind in mathematics, correct?

20 A. That is correct.

21 Q. So to put that in
22 perspective, 57 percent of eighth graders
23 at University Middle School were performing
24 at fifth grade level or lower?

25 A. That statement is correct.

CONFIDENTIAL

Page 129

1 Q. Okay. In the Irvington
2 Public School system a fifth grader would
3 attend elementary school, right?

4 A. Yes.

5 Q. As a potential root cause,
6 UMS stated that, "57 percent of math
7 teachers at UMS demonstrated a need for
8 professional development on differentiation
9 structures and strategies for data-driven
10 center-based learning activities," right?

11 A. That is what it says.

12 Q. Technology is not called out
13 by University Middle School as a possible
14 root cause of this underperformance in
15 mathematics, correct?

16 MR. INNES: Objection to form.

17 THE WITNESS: In this
18 statement, it is not.

19 BY MR. KARP:

20 Q. Cell phones are not
21 specifically identified by University
22 Middle School as being a possible root
23 cause of this underperformance in
24 mathematics, right?

25 A. It is not for this plan.

CONFIDENTIAL

Page 130

1 Q. And social media likewise is
2 not specifically identified as a possible
3 root cause of this underperformance in
4 mathematics, right?

5 MR. INNES: Objection to form.

6 THE WITNESS: It is not for
7 this plan.

8 BY MR. KARP:

9 Q. University Middle School
10 identified several strategies to address
11 these challenges, right?

12 A. Correct.

13 Q. Those are listed in the
14 rightmost column of this table?

15 A. Yup.

16 Q. Okay. Those strategies were
17 differentiation, including small group
18 instruction and math labs; after school and
19 Saturday Academy; and hiring a math
20 interventionist?

21 MR. INNES: Objection to form.

22 Misstates the document.

23 THE WITNESS: Correct.

24 BY MR. KARP:

25 Q. Similar strategies were

CONFIDENTIAL

Page 131

1 identified for student performance in
2 English language arts, do you agree?

3 A. Correct.

4 Q. For that SMART Goal,
5 differentiation, including small group
6 instruction and ELA labs; after school and
7 Saturday Academy; and hiring an ELA
8 interventionist were identified as
9 strategies, correct?

10 A. For that priority performance
11 need, yes.

12 Q. The third and final area of
13 focus for SMART Goals in this table is
14 climate and culture, attendance/behavior.

15 Do you see that on page 43?

16 A. I do.

17 Q. Under priority performance
18 need, the table states that, "scholars
19 still require continued support developing
20 the ability to regulate emotions and
21 social-emotional learning skills."

22 Did I read that right?

23 A. You did.

24 Q. The school's objective was
25 to, quote, "improve the development of

CONFIDENTIAL

Page 132

1 school-wide social emotional learning
2 skills and to decrease the scholars'
3 chronic absenteeism rate."

4 Do you see that?

5 A. Yes, because the SMART Goal
6 is attendance/behavior.

7 Q. In your experience, has it
8 been a priority of University Middle School
9 to support students in developing their
10 ability to regulate emotions?

11 A. Repeat that question one more
12 time, sir.

13 Q. Sure. In your experience,
14 has it been a priority for University
15 Middle School to support students in
16 developing their ability to regulate
17 emotions?

18 A. Yes.

19 Q. The third column identifies
20 possible root causes for this particular
21 SMART Goal, correct?

22 A. Uh-huh.

23 Q. The first one listed is
24 parents oversight?

25 A. Correct.

CONFIDENTIAL

Page 133

1 Q. And the ASP document states,
2 "Parents are not managing their scholar's
3 school attendance due to other priorities
4 such as financial (work overnight or leave
5 home before their scholar), family
6 challenges or other social distractions."

7 A. Yes.

8 Q. Did I read that correctly?

9 A. You read that correctly.

10 Q. Fair to say that University
11 Middle School parents have a lot going on?

12 MR. INNES: Objection to form.

13 THE WITNESS: I wouldn't say
14 directly that University Middle
15 School parents have a lot going on
16 in general.

17 BY MR. KARP:

18 Q. Is it true that University
19 Middle School parents were not managing
20 their children's school attendance because
21 of work, family challenges, and social
22 distractions?

23 A. Based on our Check and
24 Connects with students, some of them, a
25 percentage of them alluded to that, that

CONFIDENTIAL

Page 134

1 they took advantage of situations, parents
2 leaving early, falling back to sleep after
3 staying up all night.

4 Q. As a result, scholars at
5 University Middle School would miss school,
6 right?

7 A. Yes.

8 Q. And that's what University
9 Middle School identified as a root cause
10 for this particular SMART Goal, right?

11 A. Yup. And the part about
12 family challenges or other social
13 distractions in that same sentence.

14 Q. Sure. Yes. The table also
15 states that parental access to, excuse me,
16 the table also refers to parental access to
17 PowerSchool and Dojo.

18 Do you see that?

19 A. Yes, I do.

20 Q. What does that mean?

21 A. Their ability to have access
22 to class, Dojo, which is a platform where
23 we communicate through parents in multiple
24 languages. If we write in our native
25 language, you can read it in your native

CONFIDENTIAL

Page 135

1 language. And PowerSchool is the platform
2 they use to view their child's grades.

3 Q. And when University Middle
4 School listed, "Parental access to
5 PowerSchool and Dojo," as a possible root
6 cause, they meant that some parents don't
7 have access to those platforms?

8 A. A small percentage of our
9 students -- I mean, parents did not have
10 access to both platforms.

11 Q. Okay. The next root cause
12 listed as academic self-esteem.

13 Do you see that?

14 A. Absolutely.

15 Q. It states, "Students who are
16 illiterate struggle in all of their core
17 subjects, experience frustration, low
18 self-esteem, and a lack of
19 self-regulation."

20 Did I read that correctly?

21 A. Yeah.

22 Q. In your experience, is that
23 also true for students who have some
24 ability to read but struggle with literacy?

25 A. Academic self-esteem?

CONFIDENTIAL

Page 136

1 Q. Yes.

2 A. Yes, uh-huh.

3 Q. You'd agree with me that it's
4 important for students to have confidence
5 in themselves in the classroom?

6 A. A hundred percent.

7 Q. In your experience, as a
8 teacher and administrator at Irvington
9 Public Schools, has it been important to
10 cultivate the academic self-esteem of your
11 students?

12 A. Very important.

13 Q. Higher academic self-esteem
14 leads to better outcomes for students?

15 A. Yes.

16 Q. And fewer behavioral issues,
17 right?

18 A. There is a correlation, yes.

19 Q. A third root cause that
20 University Middle School identified was
21 culture and climate and it states,
22 "Students experience a change in the
23 school-wide culture and climate (New
24 administration, dean, and staff members)."

25 Did I read that correctly?

CONFIDENTIAL

Page 137

1 A. That is correct.

2 Q. Was UMS going through a
3 change of administration?

4 A. APs, new dean, staff members,
5 a lot of new employees joined that year.

6 Q. Okay. So there was a lot of
7 turnover or change in the faculty and staff
8 at University Middle School?

9 MR. INNES: Objection to form.

10 THE WITNESS: There was a lot
11 of change in that year.

12 BY MR. KARP:

13 Q. And University Middle School
14 felt that that was disruptive to the
15 school's culture and climate, right?

16 A. Not disruptive, a possible
17 root cause for students becoming acclimated
18 to all the new updates based on the new
19 strategy of a new team coming in.

20 Q. University Middle School
21 listed this as a possible root cause
22 because the change in school administration
23 had a negative impact on students, right?

24 MR. INNES: Objection to form.

25 THE WITNESS: I wouldn't

CONFIDENTIAL

Page 138

1 necessarily say negative, different
2 and difference always leads to
3 confusion. So I would say having a
4 new climate and culture when you're
5 accustomed -- sorry, when you're
6 accustomed to something different
7 is always going to be difficult,
8 especially for students.

9 BY MR. KARP:

10 Q. It might -- sorry, I didn't
11 mean to interrupt you. It might have been
12 disorienting for students?

13 A. Such as, what do you mean by
14 "disorienting"?

15 Q. Students who were used to
16 seeing certain people in certain roles were
17 suddenly meeting new people and that might
18 have been confusing or disorienting to
19 them?

20 A. I wouldn't go --

21 MR. INNES: Objection to form.

22 THE WITNESS: I wouldn't say
23 disoriented, because it should have
24 been more clearly articulated here.
25 I was able to fill the staff. The

CONFIDENTIAL

Page 139

1 students were accustomed to having
2 substitutes and they were now able
3 to have certified teachers in front
4 of them.

5 BY MR. KARP:

6 Q. Okay. University Middle
7 School identified several strategies to
8 address these challenges and those are
9 listed in the rightmost column.

10 Do you see that?

11 A. Yes.

12 Q. The column very aptly is
13 called, "Strategies to Address Challenge"?

14 A. Uh-huh.

15 Q. And for chronic absenteeism,
16 the table states, The Principal, Climate
17 and Culture -- excuse me, Climate and
18 Culture Specialist, and Dean of Attendance,
19 will monitor and track chronic absenteeism
20 referrals and utilize the data to determine
21 an effective reward system, as well as
22 strategies and techniques to assist with
23 improving chronic absentee rate results."

24 Did I read that correctly?

25 A. Yes.

CONFIDENTIAL

Page 140

1 Q. Okay. Were any of these
2 strategies actually implemented?

3 A. Sorry, I'm looking through
4 everything. Let's see. Yes, if you go to
5 page 61, step number one was done. Step
6 number two was done. Strategy three was
7 done. Strategy number four was done, five,
8 six, seven. Let me just go through all of
9 them and check through. Yup. No. There's
10 a lot, so. So all of strategy one, to
11 answer your question.

12 Q. And what page are you looking
13 at?

14 A. I am looking at pages 60 all
15 the way to page 66. And when I'm looking
16 in the column that says, "strategy one" and
17 I'm putting checks next to everything that
18 has been completed for strategy one to
19 answer your question.

20 So, yes, all of these
21 strategies, to answer your question, were
22 done as -- and then there's action steps
23 that breaks down everything we did to
24 address that strategy.

25 Q. Okay. And we'll get into

CONFIDENTIAL

Page 141

1 this part of the planning document in a
2 little bit, so we can go through some of
3 that detail, but I appreciate you're
4 pointing me to this.

5 Some of the dates listed in
6 this table are from 2024. For example, if
7 you look at the end dates that are listed
8 for some of the items on page 63, those are
9 from 2024.

10 Do you see that?

11 A. They should be. That is
12 accurate. The plan is for 2023-2024.

13 Q. So this is not one of the
14 kind of post hoc or after-the-fact edits
15 you were talking about, this is you were
16 putting in dates as of June of 2023 when
17 you created the document?

18 A. No, I can clarify for that --

19 MR. INNES: Objection to form.
20 Misstates prior testimony. Go
21 ahead.

22 THE WITNESS: But I can
23 clarify. These are dates we
24 proposed to the state when we were
25 building the plan in 2023, I

CONFIDENTIAL

Page 142

1 believe I said February of 2023 all
2 the way to June, these are the
3 dates we proposed we were going to
4 have all the stuff done for the
5 next school year. So these might
6 not be the actual dates that we did
7 it, but they are very close, if not
8 to earlier than the dates we have
9 on here, end dates.

10 BY MR. KARP:

11 Q. Your testimony that these
12 steps and strategies were completed is
13 based on your own experience and not some
14 checkmark that appears in this document?

15 A. Oh, no, this is me knowing as
16 the principal what we did that year,
17 correct.

18 Q. I see. Okay.

19 A. And there is -- there is on
20 the part, it's not in this document, that
21 tells us what we completed and what we did
22 not complete.

23 Q. Okay. That's helpful. I'm
24 going to try to get us to a stopping point
25 so we can break for lunch.

CONFIDENTIAL

Page 143

1 A. Okay.

2 Q. Thanks for sticking with me
3 for a bit.

4 In your experience as
5 principal of University Middle School, did
6 any of these strategies that you employed
7 to reduce chronic absenteeism actually
8 drive down chronic absenteeism for the
9 school?

10 A. Yes.

11 MR. INNES: Objection to form.

12 BY MR. KARP:

13 Q. Did any of the strategies
14 that you employed to reduce chronic
15 absenteeism at University Middle School
16 relate to social media?

17 MR. INNES: Objection to form.

18 THE WITNESS: Yes. Based on
19 your question of the wording of
20 relate, they do relate. They don't
21 explicitly use it, but they do
22 relate based on conversations and
23 anecdotal records.

24 BY MR. KARP:

25 Q. Okay. Let's unpack that for

CONFIDENTIAL

Page 144

1 a second. You'd agree with me that nowhere
2 in the action steps for SMART Goal 3, that
3 table we were just going over that runs
4 from page 60 through 66, do the words,
5 "social media" appear, correct?

6 MR. INNES: Mr. Bussacco,
7 counsel has referenced a half dozen
8 pages, so if you need to, please
9 take your time to review those
10 pages before answering.

11 MR. KARP: Sure.

12 THE WITNESS: So your question
13 was, does anything on these
14 multiple pages use the word
15 explicitly, "social media"?

16 BY MR. KARP:

17 Q. Do the words, "social media,"
18 appear anywhere in the list of action steps
19 and strategies for SMART Goal 3 that appear
20 in this planning document?

21 A. That specific word does not
22 exist on this document.

23 Q. It looks like you circled
24 certain items or certain --

25 A. I did.

CONFIDENTIAL

Page 145

1 Q. -- rows of this table. How
2 many did you circle?

3 A. Well, I stopped when I
4 answered, I only looked at the first five
5 and I circled two out of five, when you
6 used the word, "relate."

7 Q. Okay.

8 A. So I was looking for things
9 that relate to social media.

10 Q. Okay. Why don't you tell me
11 about the first one you circled?

12 A. Sure. So if you look on
13 page 60 of 74, step number one strategy
14 one, "Create an attendance committee (AIC).
15 Members of the AIC will analyze student
16 data and identify interventions to be
17 implemented during the school year. The
18 AIC will meet monthly to review logs that
19 track students' attendance, intervention,
20 and next steps."

21 So since you said the word,
22 "relate," I looked at how we analyzed
23 student data, as I talked about earlier,
24 anecdotal records, when scholars would tell
25 us about their issues.

CONFIDENTIAL

Page 146

1 Many of the issues arise
2 from problems from social media and then we
3 identified interventions to support our
4 students throughout the school year and the
5 school day.

6 Q. University Middle School
7 developed specific interventions for social
8 media; is that what you're testifying to?

9 A. We developed strategies on
10 how to reduce -- not strategies, but
11 techniques on how to reduce the use of
12 social media.

13 We've talked to some of our
14 parents how to put some of the apps that
15 they're unaware of how to filter and, you
16 know, turn off of -- what is it, like a
17 warning type thing, like, you spent too
18 much time on here and it pauses. The phone
19 has it, I don't know if the apps have it,
20 but I know the phones have that function.
21 I couldn't speak if the apps have it. But
22 we did provide individual strategies based
23 on students telling us, I'm not coming to
24 school because I'm being picked on, and
25 most of the time our kids are being picked

CONFIDENTIAL

Page 147

1 on in the cloud, social media, and they
2 don't want to come to school, so we
3 identify strategies and then we did
4 restorative practices of the strategy where
5 we bring certain members to the team, we
6 talk about it, we talk about your social
7 media footprint. And we spend a lot of our
8 time developing individual interventions.
9 A lot of them are based on not restorative
10 practices, but what's the word I'm looking
11 for, give me a second, basically
12 interventions on how to self-regulate, how
13 to use your cell phone, social media
14 platforms, all these different outcomes, so
15 you feel safer at school.

16 And we've seen it, and you
17 asked in the previous question, have we
18 seen the success, yes, based on spending a
19 lot more time individual with students who
20 have problems that they express to us when
21 we do these Check and Connects, yes.

22 Q. You mentioned that students
23 have reported to you that they are being
24 picked on and that's a reason that they
25 don't want to come to school?

CONFIDENTIAL

Page 148

1 A. Yeah.

2 Q. You agree with me that
3 students have been picked on since the
4 beginning of time, right?

5 MR. INNES: Objection to form.

6 THE WITNESS: I do, but it's a
7 different type of pick on.

8 BY MR. KARP:

9 Q. Students get bullied in
10 person or picked on in person all the time,
11 right?

12 MR. INNES: Objection to form.

13 THE WITNESS: Yes, but there's
14 a but, yeah.

15 BY MR. KARP:

16 Q. You also mentioned that some
17 of the intervention strategies involved
18 communicating with parents around things or
19 steps they might be able to take with their
20 children's cell phones; is that right?

21 A. Yup. Because a lot of them
22 were unaware, because they didn't realize
23 that they have these apps on phones, not
24 apps, they're not even apps, but I guess --

25 Q. Parental controls?

CONFIDENTIAL

Page 149

1 A. Parental controls, but a lot
2 of the other ones don't have parental
3 controls we've noticed.

4 Q. Do you agree that parents
5 have a role in deciding how their children
6 are able to use their phones?

7 A. If educated, absolutely.

8 Q. Sure. And parents have the
9 ability to an extent to limit how much time
10 their children are spending on different
11 applications or using their cell phones
12 more generally?

13 A. Say that one more time, I'm
14 sorry.

15 Q. Sure. Parents have a role in
16 deciding or actually, sorry, let me
17 just reread the question.

18 A. I can -- I see it now.

19 Q. I'll just reask the question
20 and apologies for any redundancies.
21 Parents have a role in deciding how their
22 children use their cell phones, yes?

23 A. Yeah, everyone has a role.

24 Q. Parents have a role in
25 deciding how much time their children spend

CONFIDENTIAL

Page 150

1 on specific apps or using their cell phones
2 more generally?

3 MR. INNES: Objection to form.

4 THE WITNESS: If they're made
5 aware of these, absolutely.

6 BY MR. KARP:

7 Q. Sure. One of the reasons you
8 communicated with parents about what they
9 can do with their children's cell phones is
10 that parents have the ability to set
11 parental controls and certain restrictions
12 on how their children use cell phones,
13 right?

14 MR. INNES: Objection to form.

15 THE WITNESS: I definitely had
16 conversations with parents and then
17 we unearthed that students know how
18 to bypass that.

19 BY MR. KARP:

20 Q. You spent time working with
21 parents to figure out how they could set
22 these parental controls if they wanted to,
23 right?

24 A. I wouldn't say I spent time
25 explaining them, like, how do you do it,

CONFIDENTIAL

Page 151

1 but let them know that they have those
2 features.

3 Q. The district itself or
4 University Middle School itself cannot go
5 on to a student's cell phone and set
6 parental controls; is that right?

7 A. Absolutely not.

8 MR. KARP: This might be a
9 good time for a break.

10 MR. INNES: Okay. Do you want
11 a break?

12 THE WITNESS: I'm fine. Do
13 you guys want a break?

14 THE STENOGRAPHER: I need a
15 break.

16 THE WITNESS: She wants a
17 break.

18 THE VIDEOGRAPHER: The time
19 right now is 12:22 p.m. We are off
20 the record.

21 - - - - -

22 (A recess was taken at this time.)

23 - - - - -

24 THE VIDEOGRAPHER: The time
25 right now is 1:36 p.m. We are back

CONFIDENTIAL

Page 152

1 on the record.

2 BY MR. KARP:

3 Q. Mr. Bussacco, welcome back.

4 Did you have a good lunch?

5 A. It was all right. It was all
6 right.

7 Q. It was all right? Okay.

8 MR. SEXTON: It's a school
9 lunch.

10 BY MR. KARP:

11 Q. All right. So before the
12 break, we were talking a bit about this
13 annual school planning document.

14 A. Yes.

15 Q. And I would like to turn back
16 to that.

17 A. Okay.

18 Q. If I could direct your
19 attention to page 43, just let me know if
20 you're there.

21 A. I am there.

22 Q. Okay. We were just
23 discussing the strategies to address the
24 challenges for SMART Goal number 3 and the
25 first item listed here is chronic

CONFIDENTIAL

Page 153

1 absenteeism.

2 Do you see that?

3 A. Yes.

4 Q. Okay. Picking up from where
5 we left off, this strategy refers to a
6 climate and culture specialist.

7 Do you see that?

8 A. Yes.

9 Q. What is a climate and culture
10 specialist?

11 A. It's also known as a dean of
12 students here, similar role, different
13 name. Dean of students oversees, I would
14 say, the well-being of students on top of
15 everyone else, but their job is to check
16 and connect with students, talk with them a
17 little bit more, it's more of just check
18 and connect. It's just building up a
19 climate and culture, why do you want to be
20 at the school.

21 Q. Okay. At the time that this
22 particular report was put together, who
23 would have been the climate and culture
24 specialist for University Middle School?

25 A. I believe it's Grizzly

CONFIDENTIAL

Page 154

1 Matias, but let me just double check, yes,
2 Grizzly Matias, page 1.

3 Q. Okay. And the climate and
4 culture specialist described here would be
5 specific to University Middle School as
6 opposed to a district-wide climate and
7 culture specialist?

8 A. That is correct, she only
9 works for University Middle School.

10 Q. Okay.

11 A. And then -- oh, go ahead.

12 Q. How long has University
13 Middle School had a climate and culture
14 specialist?

15 A. I can speak since I have been
16 there three years, but I believe they had
17 one prior to me.

18 Q. Okay.

19 A. Ms. Matias came with me.

20 Q. Okay. And to the extent you
21 know, how far back in time do you believe
22 that University Middle School had a climate
23 and culture specialist?

24 A. I believe from being in the
25 district, we put them at the middle schools

CONFIDENTIAL

Page 155

1 and the high school in 2012-2013 we put
2 them in the district, but I'm not
3 100 percent sure, but it was somewhere
4 around that time, I was still in the
5 classroom.

6 Q. Do you know why that specific
7 role of climate and culture specialist was
8 created?

9 A. I don't. Why it was
10 originally created by Dr. Hackett, I do not
11 know.

12 Q. This description also --
13 excuse me, this passage for chronic
14 absenteeism also refers to a dean of
15 attendance.

16 Do you see that?

17 A. Yes, that's Mr. Byock, Mr.
18 Michael Byock. His role is basically when
19 children are late, he contacts parents
20 after three times, has a conversation with
21 them, and that's pretty much the extent of
22 his job at my school. His hours are a
23 little bit different than everyone else's.

24 Q. When you say -- or just to
25 clarify rather --

CONFIDENTIAL

Page 156

1 A. Sure.

2 Q. -- does he have district-wide
3 responsibilities or --

4 A. No, this gentleman does, but
5 when he's working for my school, it's from
6 8:00 to 10:30 or 8:00 to 11:00. But his
7 role when he leaves me is not a dean of
8 attendance.

9 Q. Okay. Let's look at the next
10 strategy on this page, which is refers to
11 suspension rates. Tiered interventions and
12 restorative practices?

13 A. Yes.

14 Q. Do you see that?

15 The description here or the
16 passage here refers to improving suspension
17 rate results.

18 A. Yup.

19 Q. Do you see those words?

20 A. Yes.

21 Q. What does it mean to improve
22 suspension rate results?

23 A. To reduce it, to reduce the
24 number of suspensions.

25 Q. Okay. If we turn the page,

CONFIDENTIAL

Page 157

1 the next strategy identified by University
2 Middle School is positive behavior support.

3 A. Yup.

4 Q. Do you see that?

5 A. Yup.

6 Q. And this passage reads,
7 "Positive Behavior Support, Social
8 Emotional Learning Instructional
9 Specialist: The Climate and Culture
10 Specialist will create a data collection
11 tool to ensure early monitoring of the
12 effectiveness of Restorative Practices and
13 Behavior strategies implemented for our
14 at-risk scholars."

15 A. Yup.

16 Q. Did I read that correctly?

17 A. You did.

18 Q. Okay. Was the data
19 collection tool described in this passage
20 actually created?

21 A. Just give me one -- a few
22 minutes. So based on the action steps of
23 that strategy being completed, all of them
24 but one, if you go to page 61 of 74, we did
25 not purchase an SEL program that year.

CONFIDENTIAL

Page 158

1 That's the only thing we did not do for
2 that goal. We scrapped it. I couldn't
3 tell you why, I can't remember, to be
4 honest with you. But everything else on
5 strategy three was completed for that SMART
6 Goal.

7 Q. So you're referring to step
8 number three, strategy number three, on
9 page 61?

10 A. Say that one more time.

11 Q. That's okay. You're
12 referring to step number three, strategy
13 number three that appears on page 61?

14 A. Yes, where it says, "Purchase
15 SEL program to support our district and
16 school mission and vision."

17 Q. Okay. And that is the data
18 collection tool that is mentioned --

19 A. No, that is not a tool. This
20 is just a strategy that aligns to that.
21 The tool was more than of an anecdotal note
22 where we did Check and Connect, if you look
23 over here, sources of evidence on page 60,
24 Check and Connect tracker is what we made.
25 So basically a connect and check -- excuse

CONFIDENTIAL

Page 159

1 me, tongue twister, a Check and Connect
2 tracker is the data log where we took
3 anecdotal records of students that we met
4 with, had students sign in that we met with
5 them to talk about what their issues and
6 concerns were regarding why they weren't
7 coming to school, among other issues.

8 Q. Okay. So you're referring to
9 step number three, strategy number one also
10 on page 61 where it says, "Identify trends
11 in attendance for MP1 using chronic
12 absenteeism analysis tool (Check and
13 Connect)?"

14 A. Check and Connect, yes, sir.

15 Q. So how long has University
16 Middle School been using Check and Connect?

17 A. To the best of my knowledge,
18 I believe this was the first year we
19 actually made it official, so 23-4, 4-5,
20 five, so two years, we have been using
21 Check and Connect.

22 Q. Have you ever used Check and
23 Connect personally --

24 A. Yes.

25 Q. -- in your professional --

CONFIDENTIAL

Page 160

1 A. I remember that, yes. In my
2 professional -- I used it as an assistant
3 principal at Union Ave. Middle School,
4 because we -- I was one of the team members
5 there to reduce the chronic absenteeism of
6 that school and get that school out of
7 status.

8 I used it in my school as
9 principal of the Community Charter School
10 of Paterson, so I could hit the ground
11 running, be proactive rather than reactive.
12 I implemented that in day one as principal,
13 not day one, but, you know.

14 Q. I understand. So Check and
15 Connect was available when you were
16 employed at Union Avenue Middle School; is
17 that right?

18 A. Yeah, it's not something I
19 created, it's just a concept that I used.

20 Q. Okay.

21 A. I wouldn't take credit for
22 creating it.

23 Q. Sure. You didn't claim the
24 name --

25 A. No.

CONFIDENTIAL

Page 161

1 Q. -- Check and Connect?

2 A. No, I would be much -- I
3 would be rich.

4 Q. Do you know why University
5 Middle School did not adopt or start using
6 Check and Connect until years after Union
7 Avenue Middle School?

8 A. I can't say that they did or
9 didn't, if I misspoke, I don't know what
10 the principal before me used. I know it's
11 a concept that has been discussed within
12 the district, so maybe she was using it,
13 but I can't speak to what she was or was
14 not using. So if I misspoke, I apologize.

15 Q. Okay. So to make sure we're
16 on the same page --

17 A. Yup.

18 Q. -- your understanding is that
19 Check and Connect has been used at
20 University Middle School for at least the
21 last two years?

22 A. Correct, I can only speak to
23 what I remember.

24 Q. Okay. Sitting here today,
25 you're not sure, you don't know whether

CONFIDENTIAL

Page 162

1 Check and Connect was also being used
2 before you became the principal?

3 A. That is correct.

4 Q. Okay. The data that is
5 collected on using Check and Connect, where
6 would that be stored?

7 MR. INNES: Objection to form.

8 THE WITNESS: It's probably --
9 it's definitely a form, not
10 probably, definitely stored in a
11 Google sheet, it would be a Google
12 sheet that the dean and I have.

13 BY MR. KARP:

14 Q. Okay.

15 A. Uh-huh.

16 Q. And do you know how far back
17 in time that data goes for Check and
18 Connect?

19 MR. INNES: Object to form.

20 THE WITNESS: Off the top of
21 my head, no, but based on this
22 report, I would say September 1,
23 2023.

24 BY MR. KARP:

25 Q. The data that has been

CONFIDENTIAL

Page 163

1 collected using Check and Connect exists in
2 a Google sheet, is that what you said?

3 A. Yeah.

4 Q. Does it exist anywhere else
5 such as a database that you can pull
6 reports from, something like that?

7 MR. INNES: Objection to form.

8 THE WITNESS: No, you cannot
9 pull reports from it. So it's not
10 like on a platform like PowerSchool
11 or Naviance, it's not a platform.

12 THE STENOGRAPHER: PowerSchool
13 and what?

14 THE WITNESS: Naviance. I'll
15 speak up. I'm sorry, the fan, I
16 forgot.

17 BY MR. KARP:

18 Q. Let's turn back to page 44.

19 A. Okay.

20 Q. In the passage about positive
21 behavior support, University Middle School
22 refers to at-risk scholars.

23 Do you see that at the very,
24 very end of that paragraph?

25 A. Absolutely.

CONFIDENTIAL

Page 164

1 Q. What is meant by at-risk
2 scholars as that term is used here?

3 A. At-risk scholar means
4 students that are chronically absent.
5 Students that continue to get flagged for
6 discipline referrals. Students that had
7 poor academic performance the year before.
8 So there's a lot of categories where at
9 risk would fall in, but it's academics,
10 attendance, and sometimes behavior.

11 Q. Okay. And those are the
12 metrics that -- or the areas UMS uses to
13 identify at-risk scholars?

14 A. Yeah, there's also others,
15 teacher input, so referrals, I said that,
16 so referrals, yeah. Those are pretty much
17 the metrics based on what we receive and
18 what we see.

19 Q. And does University Middle
20 School treat at-risk scholars any
21 differently from other students who don't
22 have that designation?

23 MR. INNES: Objection to form.

24 THE WITNESS: I wouldn't say
25 they're treated differently other

CONFIDENTIAL

Page 165

1 than the fact that they do get that
2 quick Check and Connect, but
3 scholars who want it are still able
4 to have it, because we have
5 ample -- well, we have four school
6 counselors and an HSSC admin, so
7 there are options for all scholars,
8 but I wouldn't say different. They
9 do get -- but technically, they do
10 get a little bit more time with
11 people, yes.

12 BY MR. KARP:

13 Q. Does University Middle School
14 track the number of at-risk scholars that
15 it has in a given year?

16 A. I would say based on the tier
17 interventions, yes, we track the number of
18 how many we believe fall into each
19 category.

20 Q. Is there somewhere we could
21 look if we wanted to know how many at-risk
22 scholars there were at University Middle
23 School in -- during the 2022-2023 school
24 year, for example?

25 A. Yes. I believe with our

CONFIDENTIAL

Page 166

1 partnership with the Rutgers Comprehensive
2 School of Mental Health program that we
3 formed in 2022, we do have to report data
4 to Rutgers every year, no names, just data
5 that's reported.

6 Q. And that data would include
7 the number of at-risk scholars at
8 University Middle School?

9 A. Broken down by tier one, two,
10 and three, yup.

11 Q. Okay. And if you could
12 elaborate on that, what is meant by tier
13 one, tier two, and tier three?

14 A. Okay. Here we go, I'm
15 getting tested. All right. Now, so
16 there's three different types of tiers for
17 interventions. Students -- I'm going to do
18 a very simplified version unless you want
19 me to go -- there's three different
20 versions. Students that just need a little
21 bit of support to those that continually
22 display at-risk behavior in different
23 categories and we have to do more intensive
24 work with them. It could be social
25 emotional, it could be lack of -- what's

CONFIDENTIAL

Page 167

1 the word now we changed it to, chronic
2 absenteeism, there's a new word for chronic
3 absenteeism, but it could be chronic
4 absenteeism, it could -- school avoidance,
5 that's what I'm looking for, school
6 avoidance, school avoidance. It could be
7 academics. It could be behavior. It
8 could -- so many factors fall into what
9 makes a kid at risk. Behavior comes up a
10 lot. Are they consistently making poor
11 decisions? Are those decisions the same?
12 Is it based on they don't know how to
13 communicate with one another where they're
14 using social media to talk to each other,
15 causing fights in the school. I could go
16 on and on, where they would fall.

17 The majority of our
18 scholars, the goal is to have them fall
19 into the lower category rather than the
20 other one.

21 Q. Thank you for that
22 explanation.

23 Does University Middle
24 School collect data on whether these
25 at-risk scholars use social media?

CONFIDENTIAL

Page 168

1 MR. INNES: Objection to form.

2 THE WITNESS: Do we collect
3 data if at-risk scholars use social
4 media? Anecdotal records, such as
5 student statements sometimes refer
6 to social, they write that this has
7 happened because of this, X, Y, and
8 Z and social media winds up in
9 those documents, but anecdotal, not
10 where we write down 72 percent of
11 something.

12 BY MR. KARP:

13 Q. Understood. So there could
14 be anecdotes of social media use that were
15 provided by at-risk scholars, but
16 University Middle School has not compiled
17 any statistics --

18 A. There you go.

19 Q. -- about social media use; is
20 that fair?

21 A. That is a fair -- yeah, we
22 haven't, statistics, no.

23 Q. Okay. And in a similar vein,
24 University Middle School has not studied or
25 analyzed how at-risk scholars are using

CONFIDENTIAL

Page 169

1 social media as compared to other students
2 at University Middle School?

3 MR. INNES: Objection to form.

4 THE WITNESS: Can you say it
5 one more time? I'm sorry.

6 BY MR. KARP:

7 Q. I'll do my best.

8 A. Yeah, okay.

9 Q. University Middle School has
10 not studied or analyzed how at-risk
11 scholars use social media, if at all, as
12 compared to other students who are not
13 considered at risk at University Middle
14 School?

15 A. So we've definitely analyzed
16 the data, because you said the word,
17 "analyzed," correct? So we've looked at,
18 you know, anecdotal records. We analyze
19 those records, which got us the grant to
20 work with the Rutgers Comprehensive School
21 of Mental Health, because we were able to
22 provide them with a lot of information and
23 data of why our students need this support,
24 so we are in a partnership with them, it's
25 a study, a five-year program we're part of

CONFIDENTIAL

Page 170

1 Rutgers, and we are reporting all of the
2 ways our scholars are negatively impacted
3 throughout the day, which includes social
4 media, home life, the world around us,
5 politics, so we do report that based on
6 conversations.

7 Q. Okay. You mentioned a minute
8 ago or a few minutes ago that you don't
9 have statistics or figures on social media
10 use for at-risk scholars at University
11 Middle School. Do I have that right?

12 A. We don't have specific
13 statistics, like 65 percent, 70 percent,
14 but we do have -- we can point to, from
15 those notes that we have when we do the
16 Check and Connect, how much, so if we
17 wanted to, we could count them all up and
18 get you a number.

19 Q. Sure. And to kind of close
20 the loop there, those notes would be in the
21 Google spreadsheet that you referred to
22 earlier that contains the Check and Connect
23 data?

24 A. Yup.

25 Q. Okay. Similarly, you do

CONFIDENTIAL

Page 171

1 not -- or strike that.

2 University Middle School
3 does not collect or have statistics for
4 social media usage of any of its students;
5 is that fair?

6 MR. INNES: Objection to form.

7 THE WITNESS: When you -- what
8 are you -- what do you mean by
9 statistics, what do you mean,
10 because it's a broad word, so what
11 statistics are you looking for --

12 MR. KARP: Does University --

13 THE WITNESS: -- in your
14 question?

15 BY MR. KARP:

16 Q. Understood. Does University
17 Middle School know what percentage of its
18 students use social media?

19 A. Do I know and the staff at
20 University Middle School know how many kids
21 based on us looking and knowing on a
22 day-to-day basis, because I can give you a
23 number based on that, they all have social
24 media, almost, I would say almost all have
25 social media. But do we have it written

CONFIDENTIAL

Page 172

1 down by a case-by-case basis that this
2 person, this person, that person has social
3 media, no.

4 Q. I'm asking if you have a
5 number, do you know what percentage of
6 students use social media and I believe
7 your answer is no, you don't have a number?

8 MR. INNES: Asked and
9 answered. Misstates prior
10 testimony.

11 THE WITNESS: So, in my
12 opinion, I have a number based on
13 what I deal with on a day-to-day
14 basis. Eighty percent of my
15 discipline referral forms have
16 social media in them.

17 BY MR. KARP:

18 Q. Okay. You'd agree though
19 that just because social media is mentioned
20 in a disciplinary form, it doesn't mean, it
21 doesn't -- or strike that.

22 You would agree that
23 disciplinary forms do not tell you whether
24 students who haven't been disciplined are
25 using social media, right?

CONFIDENTIAL

Page 173

1 A. No, it would not tell me,
2 that is correct.

3 Q. Does University Middle School
4 have any statistics or data regarding how
5 at-risk scholars use social media?

6 MR. INNES: Objection to form.

7 THE WITNESS: Do we have any
8 data on how at-risk students use
9 social media? Data in the form of
10 student statements.

11 BY MR. KARP:

12 Q. Does University Middle School
13 know or can it quantify how many hours the
14 average at-risk scholar spends on social
15 media?

16 MR. INNES: Objection to form.

17 THE WITNESS: Can we quantify
18 the hours, no.

19 BY MR. KARP:

20 Q. Sitting here today, do you
21 know or do you know whether at-risk
22 scholars at University Middle School use
23 social media more than other students at
24 University Middle School who have not been
25 designated at risk?

CONFIDENTIAL

Page 174

1 MR. INNES: Objection to form.

2 THE WITNESS: Based on what is
3 provided to me in student
4 statements, I could say students
5 that do not get in trouble for
6 social media are on the social
7 media, because when I am able to
8 view the pages with parent
9 permission, I see a lot of my
10 scholars on these social media apps
11 that were involved in incidents,
12 liking the fights, screenshotting
13 the fight, sending it out, causing
14 more issues. So I can collect it
15 that way and I know a lot of my
16 kids are using social media.

17 Also from all the pages they
18 created where they tag University
19 Middle School and if you click on
20 it, you can see the number of
21 students from, even specifically
22 from your angle, you guys can see
23 the number of people on that
24 page. So we do get a lot of hits
25 of students or likes from

CONFIDENTIAL

Page 175

1 students in the building that
2 aren't tier one or aren't in
3 trouble. And that's evident on
4 the posts that are shared with us
5 when we do our investigation. So
6 that leads me to believe that
7 they are on social media, not
8 just tier one students.

9 BY MR. KARP:

10 Q. Sure. And I appreciate that
11 answer. If you -- I'm going to ask the
12 question again just to make sure you
13 understood it.

14 Sitting here today, do you
15 know if at-risk scholars at University
16 Middle School use social media more, and
17 that could be the number of hours, for
18 example, than other students at University
19 Middle School who are not at risk?

20 MR. INNES: Objection. Asked
21 and answered. If you don't like
22 the answer he gives, ask a better
23 question. You also had an
24 agreement, a ground rule was if he
25 answers your question, he

CONFIDENTIAL

Page 176

1 understands your question. So you
2 don't need to preface your next
3 question with do you understand it.

4 MR. KARP: I'm just having a
5 conversation with the witness. I
6 don't think there's a need to
7 escalate this. I was seeking
8 clarification, because it didn't
9 appear to me that there was an
10 understanding based on the response
11 that was given and I, respectfully,
12 allowed him to complete his answer
13 and I asked my question again. I
14 would appreciate an answer to the
15 question that I've reasked.

16 MR. INNES: The question
17 you've reasked? Objection. Asked
18 and answered. You can answer.

19 THE WITNESS: Yes, I did
20 understand the question. I do not
21 believe at-risk students at
22 University Middle School
23 necessarily use social media more
24 than other students.
25

CONFIDENTIAL

Page 177

1 BY MR. KARP:

2 Q. Mr. Bussacco, you'd agree
3 with me that in addition to the many
4 challenges facing University Middle School
5 students we've already discussed, many
6 University Middle School students struggle
7 with poverty, would you agree with that?

8 A. I wouldn't say necessarily
9 they struggle with poverty. There's a
10 percentage of disadvantaged students, if
11 you go to page 18. University Middle
12 School -- here we'll go up higher, page 17,
13 what year is this, that's academics. Let
14 me see. Is it on here? I see it in the
15 academics, I want to see if it's anywhere
16 else. Hold on one second, I apologize.

17 I'm looking for the
18 attendance tab, I'm sorry. So this
19 doesn't, on page 24, it doesn't break down
20 economically disadvantaged, but I wouldn't
21 say the majority of our kids fall under
22 economically disadvantaged. There's a nice
23 percentage, but not a majority. A
24 majority, in my definition, is 50 percent
25 or more.

CONFIDENTIAL

Page 178

1 Q. Sure. And just to make sure
2 the record is clear, I asked if many, not
3 if the majority --

4 A. Many, but what's your
5 definition of many? Many is most. Many
6 and most go synonymous to me, so I would
7 say I have a nice percentage of students
8 that are economically disadvantaged.

9 Q. Okay.

10 A. But I also have the opposite,
11 I have extremely wealthy students.

12 Q. Would you agree that
13 University Middle School students are
14 challenged by violence and crime in the
15 Irvington community?

16 MR. INNES: Objection to form.
17 Vague, ambiguous.

18 THE WITNESS: While I don't
19 live in Irvington, I do live in
20 Newark, New Jersey, but I have been
21 part of the Irvington community for
22 a long time, and I can confidently
23 say based on the mayor, crime has
24 drastically dropped in Irvington
25 throughout the years since he has

CONFIDENTIAL

Page 179

1 been there. So I know you could
2 look up his statistics, but I know
3 every year he does a state of the
4 union and that's one of his
5 highlights as how crime has dropped
6 since him becoming mayor many years
7 ago.

8 BY MR. KARP:

9 Q. During your time as a teacher
10 and administrator for Irvington Public
11 Schools, have students in the district
12 experienced racial or social injustices
13 either firsthand or in the community?

14 MR. INNES: Objection.

15 THE WITNESS: Have students in
16 the district experienced racial or
17 social injustices? Based on my
18 opinion, yes, most people have.

19 BY MR. KARP:

20 Q. You'd agree with me that
21 issues of racial or social injustice are
22 very serious and could have a negative
23 impact on student mental health?

24 MR. INNES: Objection to form.

25 THE WITNESS: Yes.

CONFIDENTIAL

Page 180

1 BY MR. KARP:

2 Q. During your time as a teacher
3 and administrator at Irvington Public
4 Schools, have you ever observed any on
5 campus rallies or protests regarding racial
6 or social injustice?

7 MR. INNES: Objection to form.

8 THE WITNESS: Rallies on
9 campus, no.

10 BY MR. KARP:

11 Q. You'd agree with me that the
12 COVID-19 pandemic had a negative impact on
13 the mental health of Irvington Public
14 Schools students?

15 A. Yes, and all students.

16 Q. The COVID-19 pandemic caused
17 some Irvington Public Schools students to
18 feel afraid, yes?

19 A. Yes, to all students.

20 MR. INNES: Objection.

21 BY MR. KARP:

22 Q. And the COVID-19 pandemic
23 caused a loss of learning for Irvington
24 Public School students, right?

25 MR. INNES: Objection to form.

CONFIDENTIAL

Page 181

1 THE WITNESS: Yes, across the
2 nation.

3 BY MR. KARP:

4 Q. Let's turn to page 45 of
5 Exhibit 3. We have been talking about
6 these SMART Goals for a while, I don't want
7 to spend too much more time on them, I'm
8 sure you don't want to either. So I will
9 just ask you a few follow-up questions
10 here.

11 Previously, we discussed
12 action steps for SMART Goal number 3. Do
13 you remember that?

14 A. Yes, I do.

15 Q. And now we're looking at the
16 action steps -- this actually starts on
17 page 46, my apologies. We're looking at
18 the action steps and strategies for SMART
19 Goal number 1.

20 A. Okay.

21 Q. And according to this annual
22 school planning document, there are 19
23 action steps and at least one strategy
24 listed for each of them for SMART Goal
25 number 1.

CONFIDENTIAL

Page 182

1 Do you see that?

2 A. Yes.

3 Q. I'll give you a chance to
4 review the document, because my question
5 relates to a few pages here.

6 A. Okay.

7 Q. But does -- do the words,
8 "social media" appear anywhere in this
9 table?

10 A. No, because IXL software
11 doesn't have a component to link to social
12 media. And this goal is based on IXL
13 software.

14 Q. These are strategies --
15 steps, action steps and strategies that
16 University Middle School came up with to
17 deal with or to address SMART Goal number
18 1, correct?

19 A. Yes, using the IXL software.

20 Q. IXL software would have been
21 used to identify the problems and the
22 performance metrics for students for
23 English language arts in this instance,
24 right?

25 MR. INNES: Objection to form.

CONFIDENTIAL

Page 183

1 THE WITNESS: Say that one
2 more time.

3 BY MR. KARP:

4 Q. IXL would have assisted you
5 and your team with identifying the
6 performance statistics in English language
7 arts for University Middle School students,
8 right?

9 A. Yup.

10 MR. INNES: Objection to form.

11 THE WITNESS: Through an
12 academic lens only.

13 BY MR. KARP:

14 Q. IXL -- you did not use IXL to
15 come up with these action steps or
16 strategies -- or strike that. Let me ask a
17 different question.

18 IXL did not generate these
19 action steps and strategies, correct?

20 A. No, they provided us with
21 data to develop the action steps.

22 Q. And you and your team worked
23 together to come up with these action steps
24 and strategies, right?

25 A. Yup.

CONFIDENTIAL

Page 184

1 Q. And social media is not
2 expressly mentioned in any of these action
3 steps or strategies, right?

4 A. It would not be.

5 Q. Let's look at SMART Goal
6 number 2. The action steps for SMART Goal
7 number 2 start on page 53.

8 Do you see that?

9 A. Absolutely.

10 Q. And as a reminder SMART Goal
11 number 2 relates to academic performance in
12 mathematics specifically, right?

13 A. That is correct.

14 Q. Okay. Again, feel free to
15 review this table, but -- before answering
16 my question, but this planning document
17 lists 20 action steps and at least one
18 strategy for each --

19 A. Yup.

20 Q. -- as a means of achieving
21 SMART Goal number 2, correct?

22 A. Correct.

23 Q. And nowhere in the action
24 steps or strategies for SMART Goal number 2
25 does University Middle School expressly

CONFIDENTIAL

Page 185

1 reference social media, do you agree?

2 A. Same as my first answer,
3 since this is i-Ready instead of IXL, it's
4 strictly based on --

5 THE STENOGRAPHER: Since this
6 is --

7 THE WITNESS: Since this is
8 i-Ready instead of IXL, this is
9 strictly based on classroom,
10 classroom only, so we're looking at
11 academics purely, not outside
12 components.

13 BY MR. KARP:

14 Q. In fairness, you're
15 contending in this lawsuit that students
16 are using their cell phones and social
17 media in the classroom; isn't that right?

18 A. Correct.

19 MR. INNES: Objection.
20 Argumentative.

21 BY MR. KARP:

22 Q. Let's turn to page 59. This
23 part of the report relates to SMART Goal
24 number 3. Do you see that at the top of
25 the page?

CONFIDENTIAL

Page 186

1 A. Yes.

2 Q. And it reads, "SMART Goal 3:
3 By June 2024, students at UMS will
4 consistently demonstrate behaviors that
5 reflect our #valuesmatter school climate."

6 Did I read that correctly?

7 A. Yes, sir.

8 Q. What is the -- what is meant
9 by "#valuesmatter school climate"?

10 A. It's our mantra, our values,
11 our voices matter, our attitude, our
12 language, unfaltering drive, our Eagle
13 pride, and our school matter. So each one
14 of those letters is an acronym. It should
15 be capitalized, but it's not.

16 Q. Let's look at action step
17 number four, strategy number two, this
18 appears on page 61.

19 A. Which one are we looking at
20 again?

21 Q. Action step four, strategy
22 two, which reads, "Identify students with
23 behavioral needs for MP1."

24 Do you see that?

25 A. Yes, I do.

CONFIDENTIAL

Page 187

1 Q. What is meant by MP1?

2 A. Marking period.

3 Q. I'm sorry, say that again.

4 A. Marking period.

5 Q. Marking period one, got it.

6 Thank you.

7 A. Yup.

8 Q. How does University Middle
9 School identify students with behavioral
10 needs as that phrase is used here in the
11 document?

12 A. So students that consistently
13 receive referral forms from teachers, dean
14 interactions, admin interactions, students
15 that just need a little bit more assistance
16 to be redirected.

17 Q. Does University Middle School
18 have any statistics or numbers on how these
19 students with behavioral needs use social
20 media, if at all?

21 A. Only if there are
22 interactions and discipline referral
23 form -- the discipline referral forms and
24 student statements.

25 Q. I'm sure you'll be relieved

CONFIDENTIAL

Page 188

1 to know that we are going to put this
2 document to the side and move on.

3 A. One down.

4 Q. I'm now handing you tab
5 three, which we will mark as Exhibit 4.

6 MR. INNES: Andrew, is this
7 document a standalone or part of a
8 family?

9 MR. KARP: I believe this is a
10 publicly available document that we
11 accessed online.

12 MR. INNES: Okay. I will
13 represent that number three, we did
14 some due diligence, is a member of
15 a family.

16 MR. KARP: Okay.

17 MR. INNES: Just for the
18 record.

19 - - - - -

20 (School Performance Report
21 marked Bussacco Exhibit 4 for
22 identification.)

23 - - - - -

24 BY MR. KARP:

25 Q. Mr. Bussacco, I handed you a

CONFIDENTIAL

Page 189

1 document a moment ago. Have you seen this
2 before?

3 A. Yes, I have.

4 Q. When did you see it?

5 A. I want to say maybe a week
6 after it was published, I received it.
7 Sorry. But we received it from the
8 assistant superintendent, Dr. Adegboyega.
9 And I said a week after, I meant a week
10 before it was published, the other way
11 around.

12 Q. Got it. What is this
13 document?

14 A. This is how we, our district,
15 specifically, my school, did on the NJSLA,
16 which our kids are taking right now this
17 week. So this was their performance on the
18 2024 NJSLA, so last year.

19 Q. Okay. Am I correct that IPS
20 submits school performance reports to the
21 New Jersey Department of Education?

22 A. Yes, I'm sorry, I'm looking
23 at a document. Yes, the answer is yes.

24 Q. And if I at any point say
25 "New Jersey DOE," you understand I mean

CONFIDENTIAL

Page 190

1 department of ed?

2 A. Absolutely.

3 Q. The New Jersey Department of
4 Education compiles annual school plans and
5 then creates reports for each of the
6 districts in New Jersey; is that your
7 understanding?

8 MR. INNES: Objection to form.

9 THE WITNESS: Repeat that.

10 BY MR. KARP:

11 Q. My question was, does the New
12 Jersey Department of Education create
13 reports for each of the school districts
14 based on data or information that schools
15 supply to it?

16 A. Yes, this information comes
17 from -- information from the school -- or
18 not from the school, from the district and
19 information from the state that they report
20 to us, like the bottom part, is how our
21 students compare to other students, that's
22 from the state.

23 Q. Understood. These school
24 performance reports -- or let me strike
25 that.

CONFIDENTIAL

Page 191

1 What we're looking at right
2 now is a school performance report,
3 correct?

4 A. From last year, yup.

5 Q. Yes. This report and others
6 are available online, so they're publicly
7 available?

8 A. Absolutely.

9 Q. Okay. Is it part of your job
10 to review these school performances reports
11 when they're released?

12 A. Mainly the bottom portion,
13 how -- highlights reported by the district,
14 so how does the student growth compare to
15 other students and how do students perform
16 in assessment, that's my main priority.

17 Q. Understood. Let's look at
18 the top of this report.

19 A. Yes.

20 Q. What school year --

21 A. This would be last year it
22 looks like, 23-24.

23 Q. Okay. So according to this
24 report that was put out by the New Jersey
25 Department of Education, University Middle

CONFIDENTIAL

Page 192

1 School had 697 students in -- during the
2 2023 to 2024 school year?

3 A. That's what the district
4 reported, yes.

5 Q. You said earlier that the
6 numbers had gone up, the enrollment numbers
7 for University Middle School had gone up in
8 the last couple of years. Does this
9 refresh your recollection that they
10 actually went down?

11 A. So the issue with this report
12 is, if you remember what I said earlier in
13 the conversation, we have a transient -- a
14 transient, so when they ran the report,
15 that was the number at that time.
16 Yesterday, I had four registrations. We
17 get registrations, consistently numbers go
18 up, people leave, so that is a best guess
19 number around that time. I would say it
20 was closer to maybe 710, 715. But that at
21 one point was an accurate number.

22 Q. Okay.

23 A. Probably, whatever day they
24 ran it. And it also doesn't include
25 students -- it also includes sometimes

CONFIDENTIAL

Page 193

1 students that transferred out gets wrapped
2 up in our data from the NJDOE.

3 Q. Understood. According to the
4 NJ Department of Education 12.6 percent of
5 students at University Middle School during
6 the 2023-2024 academic year were students
7 with disabilities, do you see that?

8 A. Yeah, I think we said
9 something compatible earlier.

10 Q. When we were discussing
11 other -- other school years, right?

12 A. Yeah.

13 Q. And the New Jersey Department
14 of Ed also reported that 26.7 percent of
15 students at University Middle School during
16 the 2023-2024 academic year were
17 multilingual learners, right?

18 A. Yeah, were -- yeah, I think
19 the numbers are pretty accurate.

20 Q. I was going to ask if there's
21 a difference between multilingual learners
22 and ELL, there isn't?

23 A. There is no difference.

24 Q. There's no difference. Okay.
25 And here --

CONFIDENTIAL

Page 194

1 A. I'm sorry, we now refer to
2 them as multi-language learners, that's
3 what we refer to them present day.

4 Q. Got it. Okay. Thank you.

5 A. You're welcome.

6 Q. And the New Jersey Department
7 of Education reported that 74 percent of
8 students at University Middle School were
9 economically disadvantaged during the
10 2023-2024 school year.

11 Do you see that?

12 A. I do. Because I'm under the
13 impression somewhere in the 40 percent.

14 Q. But according to the state --

15 A. The state reported
16 74 percent --

17 Q. -- that number is higher?

18 THE STENOGRAPHER: Wait a
19 minute, the state what?

20 THE WITNESS: The state
21 reported 74 percent. Or we
22 reported it, I actually don't know
23 where this data came from, the top
24 part. It either came from the
25 school or the state pulled it from

CONFIDENTIAL

Page 195

1 a report. That's out of my purview
2 how they get it.

3 BY MR. KARP:

4 Q. I understand. In any event,
5 the data --

6 A. It's not --

7 Q. -- that we're looking at has
8 been published by the department of
9 education in this school performance
10 report?

11 A. Yup. And it's accessible to
12 everybody, yup. That is accurate.

13 Q. Let's look at the middle of
14 the page and some of these metrics.

15 A. Sure.

16 Q. The first couple of charts
17 here or graphs show how students -- how
18 student growth at University Middle School
19 compares to other students, right?

20 A. Correct.

21 Q. And this -- these graphs show
22 that University Middle School was meeting
23 standards for English language arts as well
24 as -- excuse me, growth standards for
25 English language arts as well as for

CONFIDENTIAL

Page 196

1 mathematics?

2 A. That's correct.

3 Q. Okay. Do you know for how
4 long or for how many years UMS students
5 have been meeting these growth standards?

6 A. Based on my understanding,
7 prior to me getting there, not often.
8 Because they were in -- we're currently in
9 status with the state, which means that
10 they come and we do reports and we do the
11 end-of-school plan and we talk about it.
12 They have been in that for a while based on
13 five of the components of ESSER, every
14 student succeeds.

15 Q. Let's look at the graphs just
16 below. The question at the top is, "How
17 did students perform on assessments?"

18 A. Yup.

19 Q. 20.8 percent of University
20 Middle School students were below the state
21 average in English and language arts; is
22 that right?

23 A. No. Say that again.

24 Q. Sure.

25 A. I think you said it

CONFIDENTIAL

Page 197

1 backwards, but --

2 Q. I did say that backwards and
3 I apologize. Thanks for catching that. So
4 this -- if you look on the left of this
5 table, or this part of the document, it
6 states, "This section shows the percentage
7 of students who met or exceeded
8 expectations on statewide assessments,
9 (NJSLA and DLM)," right?

10 A. Yes.

11 Q. So to correct myself,
12 20.8 percent of UMS students met or
13 exceeded expectations in English language
14 arts, right?

15 A. That is correct.

16 Q. Okay. That's only one in
17 five --

18 A. One in five.

19 Q. -- students approximately?

20 A. That is correct.

21 Q. And for mathematics, less
22 than 10 percent of University Middle School
23 students met or exceeded expectations; is
24 that right?

25 A. That is correct.

CONFIDENTIAL

Page 198

1 Q. You can put this document to
2 the side.

3 Mr. Bussacco, we've spent a
4 lot of time talking about your time at
5 University Middle School, which is where
6 you are currently the principal. I have a
7 few questions for you about your time at
8 Union Avenue Middle School.

9 A. Okay.

10 Q. Remind us what your role was
11 at Union Avenue Middle School.

12 A. I was a teacher from 2008 to
13 July or August 2014. Assistant principal
14 from 2014 to June 2018 or July, one of
15 those, yeah.

16 Q. While you were assistant
17 principal of Union Avenue Middle School, do
18 you remember evaluating any of the
19 counselors who worked there?

20 A. I know I did, but do I
21 remember them specifically, no.

22 Q. I'm handing you tab four,
23 which we will mark as Exhibit 5.

24 A. Ms. Ganthier.

25 - - - - -

CONFIDENTIAL

Page 199

1 (Professional Assessment and
2 Development Evaluation Bates
3 BW__Irvington00300320 to 00300325
4 marked Bussacco Exhibit 5 for
5 identification.)

6 - - - - -

7 BY MR. KARP:

8 Q. Do you need a minute to --

9 A. Yeah, this is a long time
10 ago.

11 Q. Let me know when you're
12 ready.

13 A. No problem. I've read the
14 narrative that I wrote, yeah.

15 Q. Okay. This document is dated
16 February 11, 2015.

17 Do you see that?

18 A. Yeah.

19 Q. And it's a professional
20 assessment and development evaluation for
21 guidance counselors and health and social
22 services coordinators.

23 Do you see that?

24 A. Yes.

25 Q. And am I right that health

CONFIDENTIAL

Page 200

1 and social services coordinators is
2 sometimes abbreviated as HSSC?

3 A. You are correct.

4 Q. Okay. And the particular
5 individual being evaluated in this instance
6 was Marie --

7 A. Ganthier.

8 Q. -- Ganthier?

9 A. Uh-huh.

10 Q. I never would have gotten
11 that on my own, so thank you.

12 Do you remember -- well,
13 first of all, did you complete this
14 evaluation of Ms. Ganthier?

15 A. It definitely looks like my
16 writing, so yes.

17 Q. Let's --

18 A. Do I remember?

19 Q. Let's look at Section II,
20 which appears on the second page.

21 A. Okay. So the activity and/or
22 lesson observed?

23 Q. Yes.

24 A. Okay.

25 Q. Throughout this evaluation,

CONFIDENTIAL

Page 201

1 there are times stamps indicating when you
2 made certain observations; is that fair?

3 A. Yes.

4 Q. Okay. So at 9:25, the
5 evaluation states, "HSSC explains to the
6 scholars that she is doing a revisit and is
7 going to continue to discuss peer pressure
8 with them."

9 Did I read that correctly?

10 A. Yes, sir.

11 Q. Okay. Let's move onto the
12 next page which is Bates ending in 322.
13 And you can see at 9:38, Ms. Ganthier
14 starts to discuss social media with the
15 students.

16 Do you see that?

17 A. Yes, sir.

18 Q. Ms. Ganthier asks the
19 students to share what they believe social
20 media is and various students identify
21 Facebook, Twitter, SnapChat, Instagram, and
22 Kik.

23 A. Uh-huh.

24 Q. Is that right?

25 A. That's correct.

CONFIDENTIAL

Page 202

1 Q. Okay. Are you familiar with
2 Twitter or X?

3 A. I am familiar with X.

4 Q. X used to be known as
5 Twitter, correct?

6 A. Twitter, I do know that, yes.

7 Q. Do you know if X or Twitter
8 is a Defendant in this lawsuit?

9 A. I don't believe so.

10 Q. Do you know why X or Twitter
11 is not a Defendant in this lawsuit?

12 MR. INNES: Objection to form.

13 THE WITNESS: I would not
14 know.

15 BY MR. KARP:

16 Q. What about Kik, are you
17 familiar with Kik?

18 A. I don't even know what Kik
19 is, but I wrote it.

20 Q. Okay. And to your knowledge,
21 Kik is not a Defendant in this lawsuit?

22 A. No.

23 Q. Okay. Ms. Ganthier asked the
24 class to discuss the dangers of social
25 media and various students responded with

CONFIDENTIAL

Page 203

1 posting naked or nasty pictures, posting
2 slurs and curses, making fun of someone,
3 doing nasty stuff on SnapChat.

4 Do you see that?

5 A. I do.

6 Q. Okay. You'd agree with me
7 that naked or nasty pictures, is that as
8 being used here refers to something that a
9 social media user chose to post on their
10 social media account?

11 MR. INNES: Objection, form.

12 THE WITNESS: I believe based
13 on the age group and I'm going way
14 back now, posting naked or nasty
15 pictures could simply be, if I'm
16 thinking of sixth graders, they
17 think men without their shirt on in
18 a bathing suit is a nasty picture.
19 But, yes, it's also safe to say
20 that pictures posted of nudity as
21 well.

22 BY MR. KARP:

23 Q. Sure. They're referring to
24 pictures or content that is being posted to
25 a social media account?

CONFIDENTIAL

Page 204

1 A. Correct, yes.

2 Q. Okay. People can also share
3 naked or nasty pictures over text messages,
4 right?

5 A. Uh-huh.

6 MR. INNES: Objection to form.
7 BY MR. KARP:

8 Q. They can share them over
9 using the AirDrop feature on their cell
10 phones; is that right?

11 A. Yeah, not back then though.

12 Q. Today, students --

13 A. Yes.

14 Q. -- could share naked or nasty
15 pictures using AirDrop?

16 A. AirDrop, they could.

17 Q. The document also refers to
18 posting slurs and curses, right? You'd
19 agree that those are words or content that
20 is being posted to a social media account,
21 right?

22 A. Words being posted, yup,
23 okay.

24 Q. Someone could use these slurs
25 or curse words in person, right?

CONFIDENTIAL

Page 205

1 A. Of course.

2 Q. Right. Someone could use
3 slurs or curse words over text messages?

4 A. They could.

5 Q. They could also use them over
6 other messaging platforms such as WhatsApp,
7 right?

8 A. They could.

9 Q. The document also refers to
10 making fun of someone.

11 Do you see that?

12 A. I do.

13 Q. Do you agree that that likely
14 refers to using hurtful words or images or
15 other content and posting that on a social
16 media account?

17 MR. INNES: Objection.

18 THE WITNESS: Do I believe
19 that means posting it, making fun
20 of someone, yes, based on the
21 original question she asked, yeah.

22 BY MR. KARP:

23 Q. Right. The question that she
24 asked was about the dangers of social
25 media, so when someone -- one of these

CONFIDENTIAL

Page 206

1 students responded with making fun of
2 someone, they could have been referring to
3 the words or content that were being posted
4 on social media, right?

5 A. Yeah, the words, content,
6 yeah, okay.

7 Q. People make fun of each other
8 in person as well, right?

9 A. They do, it's less these days
10 though.

11 Q. People make fun of each other
12 over text message and other messaging
13 platforms?

14 MR. INNES: Objection.

15 THE WITNESS: People do.

16 BY MR. KARP:

17 Q. Yeah. The last item that's
18 listed here is doing nasty stuff.

19 Do you see that?

20 A. Yup.

21 Q. You'd agree that this refers
22 to nasty, to use the student's words
23 content, that someone has posted to social
24 media, correct?

25 A. Yes.

CONFIDENTIAL

Page 207

1 MR. INNES: Objection.

2 BY MR. KARP:

3 Q. Is it fair to say that when
4 asked about the dangers of social media,
5 these are the four dangers that these
6 students identified in response to
7 Ms. Ganthier?

8 MR. INNES: Objection.

9 THE WITNESS: Yes, in 2015.

10 BY MR. KARP:

11 Q. Okay. And these dangers
12 relate to what people are posting on their
13 social media accounts, right?

14 MR. INNES: Objection.

15 THE WITNESS: What do you mean
16 by that? I'm confused now with the
17 question.

18 BY MR. KARP:

19 Q. Understood. These four
20 categories that we just ran through refer
21 to words and images and other content that
22 people are posting on their social media
23 accounts?

24 A. You mean, like, posting the,
25 like, initial picture and the all the stuff

CONFIDENTIAL

Page 208

1 underneath it, like the comments and the
2 likes and all that stuff you're talking
3 about or you're just talking about the
4 picture picture?

5 Q. I'm saying -- and I
6 appreciate the clarification -- I'm saying
7 these four categories refer to what is
8 being posted or shared or put on social
9 media by the user?

10 A. Then yes.

11 Q. Yes. You can put this
12 document to the side. I'm going to hand
13 you tab six -- I'm sorry, tab five, which
14 has been marked Exhibit 6.

15 - - - - -

16 (Email String Bates
17 BW__Irvington00093416 to 00093444
18 marked Bussacco Exhibit 6 for
19 identification.)

20 - - - - -

21 BY MR. KARP:

22 Q. I'll admit this is a fairly
23 long document, I'm not asking you about
24 every page of it. If at any point in time
25 you need a moment or opportunity to review

CONFIDENTIAL

Page 209

1 something, please let me know. Okay?

2 A. All right.

3 Q. Did you want to take some
4 time now?

5 A. I do.

6 Q. Yeah, take a minute.

7 A. Thank you. What is this? I
8 remember this document now, okay.

9 Q. Okay. Mr. Bussacco, this is
10 an email that you sent to Eric James in May
11 of 2017; is that right?

12 A. Yes.

13 Q. The subject line of this
14 email is, "Forward: Teacher evaluation"?

15 A. Yes.

16 Q. At this point in time in
17 2017, you were the assistant principal at
18 Union Avenue Middle School?

19 A. Yup.

20 Q. Okay. And this is a teacher
21 evaluation Google Form that you filled out?

22 A. Yes, with Ms. Bevin Subocz.

23 Q. And who is that?

24 A. She was the technology
25 director at the time. She no longer works

CONFIDENTIAL

Page 210

1 in the district.

2 Q. The teacher whom you were
3 evaluating was Hollie Mathias, Mathias?

4 A. Yeah, Mathias.

5 Q. Who is Ms. Mathias?

6 A. She was a computer teacher in
7 the district. She no longer works in the
8 district.

9 Q. Okay. If you turn to the
10 page with the Bates number ending in 422 in
11 the bottom right-hand corner, you'll see
12 that Ms. Mathias is described as being in
13 technology education. Does that makes
14 sense?

15 A. Yeah, computer, yup.

16 Q. Yeah, exactly. Okay. To the
17 best of your recollection, was Ms. Mathias
18 an effective teacher?

19 A. She received a three, it
20 looks like, as her overall score, right, am
21 I reading this correctly? Give me a
22 second. Yes, she received a 3.2, so she
23 was described as effective.

24 Q. Let's look at the page with
25 the Bates number ending in 430.

CONFIDENTIAL

Page 211

1 A. 430? Okay.

2 Q. And here we see that Ms.
3 Mathias received a rating of distinguished
4 for the category establishing a culture of
5 learning?

6 A. Uh-huh.

7 Q. Is that right?

8 A. "Teacher communicates passion
9 for the subject," that one, yes.

10 Q. And to receive a rating of
11 distinguished, "The teacher communicates
12 passion for the subject. The teacher
13 conveys the satisfaction that accompanies a
14 deep understanding of complex content," so
15 on and so forth, yes?

16 A. Correct, yeah.

17 Q. There is a comment here about
18 this particular rating. Do you see that?

19 A. Underneath it, yup, "the
20 teacher exhibits a passion."

21 Q. Exactly. And that comment
22 reads, "The teacher exhibits a passion for
23 teaching and learning and it is evident in
24 her dealings with the students. Her room
25 is completely decorated using teacher

CONFIDENTIAL

Page 212

1 created posters and decorations. One
2 example of Instagram work. Student work in
3 up next to a poster that says Instagram for
4 each student."

5 A. Yup.

6 Q. "Every wall has some sort of
7 handmade poster or anchor charts to help
8 the students in class. During the game,
9 the students were enjoying the lesson and
10 having fun with the review game."

11 Did I read that correctly?

12 A. Yes, you did.

13 Q. You observed that Ms. Mathias
14 established a culture for learning, right?

15 A. Correct.

16 Q. Do you recall writing this
17 comment specifically?

18 A. I do.

19 Q. One way that you observed Ms.
20 Mathias exhibit a passion for teaching and
21 learning was by putting student work up
22 next to a poster that says Instagram for
23 each student, right?

24 A. Yeah, the Instagram work and
25 hashtags.

CONFIDENTIAL

Page 213

1 Q. Okay. Ms. Mathias was
2 engaging her students by showcasing work on
3 an Instagram poster; is that fair?

4 MR. INNES: Objection to form.

5 THE WITNESS: She was -- at
6 that time, the reason I remember,
7 Bevin Subocz was there and it was
8 important to mention she was there,
9 we were struggling with students'
10 inappropriate use of social media
11 and parts of the curriculum as the
12 director of technology, she tasked
13 staff with, in her department, of
14 changing the narrative of social
15 media platforms to post positive
16 images on the Instagram. So
17 Instagram work, she writes in
18 quotes, is to put images that are
19 appropriate that we should
20 celebrate and these are the type of
21 images we should be using in
22 social media.

23 BY MR. KARP:

24 Q. Okay. So instead of running
25 away from social media, the point of this

CONFIDENTIAL

Page 214

1 lesson was to lean in and teach students
2 about using social media in a certain way?

3 A. Yes, because --

4 MR. INNES: Objection.

5 Misstates prior testimony.

6 THE WITNESS: But it is part
7 of the state curriculum, of New
8 Jersey's curriculum to use
9 technology in an appropriate and
10 safe way.

11 BY MR. KARP:

12 Q. Understood. It was
13 intentional that Ms. Mathias was using
14 Instagram as part of her lesson, yes?

15 A. At that point in time, that
16 was the major platform our students were
17 using in an inappropriate way.

18 Q. So it's fair to say you
19 didn't leave this lesson and tell Ms.
20 Mathias to stop showcasing Instagram in the
21 classroom?

22 A. Not the real -- showcasing
23 Instagram on how it could be used properly,
24 correct. That was --

25 Q. Sorry, I didn't mean to

CONFIDENTIAL

Page 215

1 interrupt you.

2 A. No, correct, if that's what
3 you're saying. Because the whole message
4 was how to use social media platforms in an
5 effective way, because as I testified
6 earlier or stated earlier, we were having a
7 serious issue around this time around 2017
8 is when we were noticing a huge uptick in
9 social media problems in our school.

10 Q. And I want to make sure that
11 I understood you correctly.

12 A. Yes, sir.

13 Q. Before, the issue you were
14 trying to address was the content that was
15 being posted on Instagram and trying to
16 encourage students to post positive content
17 instead of negative content; is that fair?

18 A. Yup.

19 MR. INNES: Objection.

20 THE WITNESS: But also to,
21 instead of just the positive, not
22 just instead of, so let me rephrase
23 it. I'm looking at the wall like
24 it was there yesterday, the
25 positive aspects of it, but also

CONFIDENTIAL

Page 216

1 what comes underneath it, we should
2 be liking -- we should be liking
3 positive images. We should not be
4 posting fights. We should not be
5 talking about each other. So it's
6 all how to refrain, how Instagram
7 should have been utilized rather
8 than what it became.

9 BY MR. KARP:

10 Q. Understood. You agree then
11 that at least at this point in time, Union
12 Avenue Middle School believed that social
13 media could be used safely and in a
14 positive way?

15 MR. INNES: Objection.

16 THE WITNESS: I would say we
17 believe that everything designed
18 has the ability to be used safely
19 if used correctly.

20 BY MR. KARP:

21 Q. Okay. We can put this
22 document to the side. We have been going
23 for a little bit more than an hour, good to
24 take a five-minute break?

25 MR. INNES: Sure.

CONFIDENTIAL

Page 217

1 THE WITNESS: I can use the
2 restroom, yes.

3 THE VIDEOGRAPHER: The time
4 right now is 2:48 p.m. We are off
5 the record.

6 - - - - -

7 (A recess was taken at this time.)

8 - - - - -

9 THE VIDEOGRAPHER: The time
10 right now is 3:06 p.m. We are back
11 on the record.

12 BY MR. KARP:

13 Q. Mr. Bussacco, let's take a
14 look at the Irvington Public Schools
15 Student Code of Conduct.

16 A. Okay.

17 Q. This is tab eight and we will
18 mark this as Exhibit 7.

19 - - - - -

20 (Student Code of Conduct
21 Bates BW__Irvington00629349 to
22 00629430 marked Bussacco Exhibit
23 7 for identification.)

24 - - - - -

25

CONFIDENTIAL

Page 218

1 THE WITNESS: Lengthy.

2 BY MR. KARP:

3 Q. We will not be going through
4 every policy in this lengthy document and
5 I'll do my best to direct you to specific
6 portions of it.

7 A. I appreciate that.

8 Q. Of course. Again, if at any
9 point, you need to review something, let me
10 know.

11 This is the Student Code of
12 Conduct for Irvington Public Schools for
13 the 2024-2025 academic year, do you agree?

14 A. Yes.

15 Q. Are you generally familiar
16 with this document?

17 A. Familiar, yes.

18 Q. Okay. Did you help put it
19 together in any way?

20 A. Not to my knowledge.

21 Q. Okay. Is it your
22 understanding that this code of conduct
23 applies to all schools in the district?

24 A. Yeah, I look at it as the
25 district -- this is the federal, my policy

CONFIDENTIAL

Page 219

1 is the state, yeah.

2 Q. Okay. So University -- this
3 code of conduct that we've marked as
4 Exhibit 7 applies to University Middle
5 School?

6 A. That, it does.

7 Q. For the 2024-2025 calendar
8 year.

9 A. Uh-huh.

10 Q. Historically, is it your
11 understanding that the district-wide code
12 of conduct for students applies to
13 University Middle School?

14 A. Does this district apply to
15 University, yes.

16 Q. It would also apply to Union
17 Avenue Middle School; is that a fair?

18 A. That is a fair assumption,
19 because it is a district policy, yeah.

20 Q. Yes. You said something a
21 moment ago I want to go back to. Does
22 University Middle School have its own
23 student code of conduct?

24 A. We have a handbook, not a
25 code of conduct, but a handbook that

CONFIDENTIAL

Page 220

1 explicitly outlines areas pertaining to
2 University Middle School.

3 Q. Okay. And is it your
4 understanding that some of the policies in
5 the University Middle School handbook are
6 of a similar nature to the policies in the
7 district-wide student code of conduct?

8 A. Yes.

9 Q. Okay. Let's look at page 28.
10 Are you there?

11 A. Yeah, I'm reading it right
12 now.

13 Q. Okay. Again, you're welcome
14 to read this as much as you'd like, but
15 I'll let you know, I'm not going to get
16 into much detail about the document.

17 A. Go ahead.

18 Q. This section of the student
19 code of conduct sets out the district's
20 policies regarding the use of technology,
21 do you agree?

22 A. Yes.

23 Q. It says, "Use of Technology"
24 at the top?

25 A. Uh-huh. I see it.

CONFIDENTIAL

Page 221

1 Q. Yeah. And did you draft this
2 section of the district-wide policy?

3 A. I did not.

4 Q. Did you have any input in the
5 technology policy for the district?

6 A. No.

7 Q. Is it fair to say that
8 University Middle School abides by the
9 technology policies that we're looking at
10 now in the district-wide student code of
11 conduct?

12 A. To the best of our ability.

13 Q. To your knowledge, have these
14 technology policies changed at all since
15 you became principal of University Middle
16 School in 2022?

17 A. I believe the --

18 MR. INNES: Objection to form.
19 Sorry.

20 THE WITNESS: -- from looking
21 at the document, I believe the
22 guidelines that changed, have been
23 updated, but the policy hasn't been
24 updated since 2012.

25

CONFIDENTIAL

Page 222

1 BY MR. KARP:

2 Q. Okay. And the guidelines are
3 the first section --

4 A. Yes.

5 Q. -- that we're looking at?

6 A. Uh-huh.

7 Q. Okay. Sitting here today, do
8 you know what the differences or the
9 changes would be to the guidelines for the
10 use of technology in the district?

11 A. Do I notice the differences
12 from looking at it? I can't say I would
13 notice any updates.

14 Q. And just to clarify my
15 question, I believe you said a minute ago
16 that your belief is that the guidelines for
17 the use of technology might have changed in
18 the last several years; is that right?

19 A. Yeah, based on language in
20 here, social networking sites, but then
21 there's some old language in here like chat
22 rooms, so --

23 Q. I see.

24 A. So I was just looking at the
25 language that I saw.

CONFIDENTIAL

Page 223

1 Q. Okay. Which leads you to
2 believe that it might have changed over
3 time --

4 A. There might have been some
5 updates since 2012.

6 Q. Understood. Thank you. Does
7 the University Middle School handbook have
8 a separate set of technology policies that
9 apply to University Middle School
10 specifically?

11 A. Explicit, I'm thinking, I'm
12 sorry, I wish I had it in front of me. We
13 might list more current than -- that's all,
14 it might be more updated.

15 Q. Sure.

16 A. Not the policy, but what I
17 mean by updated, we might specifically talk
18 about specific social media platforms and
19 how do get help if you're -- you know,
20 stuff like that, that might be in there.

21 Q. All right. If I'm hearing
22 you correctly, the district has some
23 technology policies that are set out in the
24 district-wide student code of conduct,
25 separately University Middle School has a

CONFIDENTIAL

Page 224

1 handbook, and there may be certain policies
2 in there relating to the use of technology?

3 A. Yeah, if I'm saying it
4 correctly, I'm trying to say, like, we
5 expand upon it, we go deeper into what this
6 means.

7 Q. So it's --

8 A. Same policy, it's just,
9 what's the word, macro instead of micro.

10 Q. Okay.

11 A. There you go. Or the other
12 way.

13 Q. In a way, is the
14 district-wide policy the floor and you are
15 building upon that?

16 A. Yes, there you go, I like
17 that better.

18 Q. I have my moments.

19 A. You do. I like that.

20 Q. Let's look at page 32.

21 A. Okay.

22 Q. And this page says,
23 "Prohibited items" at the top.

24 Do you see that?

25 A. Uh-huh.

CONFIDENTIAL

Page 225

1 Q. This is the district's policy
2 on prohibited items, yes?

3 A. Yeah.

4 Q. Okay. Did you draft this
5 section of the district-wide policy?

6 A. I did not.

7 Q. Did you have any input in
8 this section?

9 A. No.

10 Q. Does University Middle School
11 abide by the prohibited items policy that
12 has been set by the district?

13 A. We have removed some and
14 added some.

15 Q. Can you explain that?

16 A. Sure. Bringing cigarettes
17 and other tobacco products, tobacco
18 products would be vapes. We don't have
19 iPods anymore, so I'm looking at certain
20 words, MP3 players, so we, basically, we
21 talk more about vapes instead of tobacco
22 products. We talk about cell phones and
23 headphones and stuff like that. So that's
24 what I meant, I can give you an analogy
25 with the floor up, take this and make it

CONFIDENTIAL

Page 226

1 more relevant to my current population.

2 Q. Okay.

3 A. Because it looks like, and
4 I'm just looking at, this policy was last
5 updated on the page, 1/2012.

6 Q. So if I'm hearing you
7 correctly, the University Middle School
8 handbook has certain policies relating to
9 prohibited items that build upon or add to
10 what's described here in the district-wide
11 policy?

12 A. That is fair, yes. Uh-huh.

13 Q. Let's look at pages 51 to 52.
14 And these pages refer to the Irvington
15 Board of Education student personal
16 electronic reporting device policy?

17 A. Uh-huh.

18 Q. This is the district's policy
19 regarding student personal electronic
20 recording devices, correct?

21 A. Yeah.

22 Q. Did you draft this section?

23 A. I did not.

24 Q. Did you have any input in
25 this section?

CONFIDENTIAL

Page 227

1 A. I did not.

2 Q. Did you have any involvement
3 in putting it together?

4 A. I did not.

5 Q. Okay. Does University Middle
6 School abide by this policy?

7 A. Let me read it really
8 quickly.

9 MR. INNES: While Mr. Bussacco
10 is reviewing that, I would just say
11 that a lot of lines of questioning
12 today, including this one, seem to
13 have been way more efficient to
14 have been done by written response,
15 right? It doesn't seem like it's
16 necessary to bring all these people
17 together just to ask if the
18 documents it says what it says and
19 if the school abides by what that
20 document says.

21 THE WITNESS: So I've read the
22 document and your question again
23 was, I'm sorry?

24 BY MR. KARP:

25 Q. Does University Middle School

CONFIDENTIAL

Page 228

1 abide by the policy that's set out here?

2 A. For the most part.

3 Q. What doesn't it -- what
4 doesn't University Middle School abide by
5 that is described in the district-wide
6 policy?

7 A. So this one says, if you go
8 to student's rights and responsibilities,
9 number three, we do require students keep
10 their cell phones out of sight. We ask
11 them to power it off during the school day.
12 And -- but not always school-sponsored
13 activities. Because if I'm reading this
14 correctly, it says it can't be used during
15 school-sponsored activities.

16 Q. So University Middle School
17 students in some instances may be permitted
18 to use their personal electronic recording
19 devices during school-sponsored activities;
20 is that right?

21 A. Yeah, not school-sponsored
22 activities during the school day, but
23 off-campus games.

24 Q. Sure.

25 A. Yeah. Things I can't

CONFIDENTIAL

Page 229

1 regulate.

2 Q. Understood. Like --

3 A. I just wanted to make that
4 clear.

5 Q. -- if the soccer team were
6 traveling and had a night game or
7 something, they could --

8 A. They would have their phone
9 on the bus. They would probably have their
10 phone at the game --

11 Q. Understood.

12 A. -- because it can't be
13 regulated for the most part. But that's
14 it, everything else looks similar. And
15 then there's a second -- do you want me to
16 look at the second page too of it?

17 Q. My questions were referring
18 to the entire policy, so I would include --

19 A. I didn't see the second page,
20 I apologize.

21 Q. Just let me know if your
22 answer is any different.

23 A. So district staff rights and
24 responsibilities, number two, "District
25 staff may confiscate personal electronic

CONFIDENTIAL

Page 230

1 device when such devices are being used in
2 violation -- "

3 THE STENOGRAPHER: District --

4 THE WITNESS: I'm sorry,
5 district staff rights and
6 responsibilities, number two,
7 "District staff may confiscate
8 personal electronic devices when
9 such devices are being used in
10 violation." District staff does
11 not include teachers at University
12 Middle School, that would include
13 administration and deans that can
14 confiscate it.

15 BY MR. KARP:

16 Q. Understood. So teachers at
17 University Middle School are not permitted
18 or authorized to confiscate these personal
19 electronic recording devices?

20 A. No, they would report it and
21 someone would come, not immediately, but
22 very quickly, to handle that situation
23 because we don't want an escalation
24 happening between the child [sic] and the
25 student over the phone.

CONFIDENTIAL

Page 231

1 Q. Understood. Does University
2 Middle School -- or strike that.

3 Does the University Middle
4 School handbook include additional policies
5 regarding student personnel electronic
6 recording devices?

7 A. I believe we go specific on
8 consequences. I think there's consequences
9 like first time, second time, third time.
10 Off the top of my head, I couldn't tell
11 you.

12 Q. Sure. So it may get into
13 certain disciplinary action --

14 A. Yup.

15 Q. -- for violations of the
16 policies?

17 A. Correct, yup.

18 Q. Right. And that's not here
19 in the district-wide policy?

20 A. No.

21 Q. Okay. You can put this to
22 the side.

23 A. Okay.

24 Q. I'm handing you tab 6A1.

25 A. Thank you.

CONFIDENTIAL

Page 232

1 Q. Which we will mark as
2 Exhibit 8.

3 - - - - -

4 (Email dated 8/31/22 Bates
5 BW__Irvington00101544 marked
6 Bussacco Exhibit 8 for
7 identification.)

8 - - - - -

9 BY MR. KARP:

10 Q. This is an email from Gail
11 Rosen to you dated August 31, 2022.

12 Do you see that?

13 A. Yup.

14 Q. And Ms. Rosen says, "Hello,
15 I've attached four documents to give to
16 parent and add to the parent information
17 sheet. Please review for changes."

18 Do you see that?

19 A. Yes, I do.

20 Q. Okay. Who is Gail Rosen?

21 A. She was my secretary.

22 Q. One of the attachments to
23 this email is called, "uniform cell phone
24 letter."

25 Do you see that?

CONFIDENTIAL

Page 233

1 A. Yeah.

2 Q. I'm going to hand you tab
3 6A2, which I'll represent to you is the
4 uniform cell phone letter that was attached
5 to that email.

6 A. Okay.

7 Q. And we'll mark this as
8 Exhibit 9.

9 - - - - -

10 (Uniform Cell Phone Letter
11 dated 1/17/20 Bates
12 BW__Irvington00101546 marked
13 Bussacco Exhibit 9 for
14 identification.)

15 - - - - -

16 MR. INNES: You're going to
17 break up an email family into
18 separate exhibits?

19 MR. KARP: I don't have
20 questions about the other
21 attachments and these are documents
22 that you produced. You're
23 certainly welcome to look at them
24 or explore them with your
25 witness at another time.

CONFIDENTIAL

Page 234

1 MR. INNES: No, I just think
2 for the record, make sure that this
3 document is the parent of this
4 document. Do we know that?

5 MR. KARP: We do, and I'm
6 happy to provide you with the
7 metadata, if you would like.

8 THE WITNESS: So you're saying
9 this document is the attachment
10 that Ms. Rosen put -- called
11 uniform cell phone letter?

12 MR. KARP: Correct.

13 THE WITNESS: Okay.

14 MR. INNES: So just for the
15 record, Exhibit 9 is the attachment
16 to Exhibit 8, one of four
17 attachments to Exhibit 8?

18 MR. KARP: There are multiple
19 attachments to Exhibit 8 --

20 MR. INNES: Yeah.

21 MR. KARP: -- Exhibit 9 is one
22 of those attachments.

23 MR. INNES: Is one of those.

24 MR. KARP: Yes.

25 Some of the other

CONFIDENTIAL

Page 235

1 attachments are school spirit
2 shirt order forms, I didn't think
3 you wanted to spend time --

4 MR. INNES: It's certainly up
5 to you how you want to spend time,
6 I've never seen it done where we
7 break up a large family of
8 documents into multiple exhibits.
9 It's as we get down the road years
10 from now, this is going to get --
11 this could be potentially
12 confusing, but it's your record.

13 MR. KARP: I'm trying to make
14 as clear of a record as I can, I
15 know you disagree with --

16 MR. INNES: On this point, I
17 do.

18 BY MR. KARP:

19 Q. Okay. So taking a look at
20 Exhibit 9, this letter is dated January 17,
21 2020.

22 Do you see that?

23 A. I do.

24 Q. That's before you were a
25 principal of University Middle School?

CONFIDENTIAL

Page 236

1 A. Correct.

2 Q. Was this a letter that was
3 sent around in 2020 that you then reviewed
4 for possible use at this point in time in
5 2022?

6 A. So if I'm remembering
7 correctly, Gail Rosen was my secretary when
8 I was at University Middle School, I
9 believe she was there prior to me going
10 there, that's why she has access to this
11 letter. She -- I had a -- I'm trying -- I
12 had a parent, based on here, I had a parent
13 open house meeting coming up right before
14 school started and I think she was giving
15 me ideas. Maybe this, yeah, for over the
16 weekend, Thursday, Friday to prepare for
17 it, because I think it was a Saturday, I
18 think the event was, I don't remember
19 exactly, but I had an event, a carnival and
20 everything, meet the principal, all that
21 nice, cute stuff. So I think she was
22 giving me ideas of what she previously had
23 in her files as the secretary, because she
24 wanted to be my -- what's the word I'm
25 looking for -- the principal secretary. I

CONFIDENTIAL

Page 237

1 have three secretaries and she wanted to be
2 the principal secretary and she was vying
3 for that role at that time.

4 MR. INNES: Before you ask
5 your next questions, let me state
6 on the record again, and the reason
7 why we ask for full families is I
8 think it just played out, right,
9 you want to ask questions about
10 this and the witness is jogging his
11 recollection by looking at the
12 attachment name, right, so I think
13 in all fairness, we should be using
14 the full family as the exhibit so
15 that the entire -- every document
16 in the family is contextualized. I
17 think that, honestly, would get you
18 a better, more complete record from
19 my perspective.

20 MR. KARP: I understand your
21 position and I just want to ask
22 questions about this specific
23 letter.

24 This letter is on letterhead
25 that lists you as or identifies

CONFIDENTIAL

Page 238

1 you as the principal, correct?

2 THE WITNESS: Yes, going back
3 to my statement earlier, Ms. Rosen
4 took it upon herself to modify some
5 documents to get her -- to prepare
6 for the year, she was vying for a
7 position at that time, yeah.

8 BY MR. KARP:

9 Q. Do you recall whether this
10 letter actually went out to parents while
11 you were principal in 2022?

12 A. I do not believe I put this
13 letter out.

14 Q. Okay. Do you know one way or
15 another whether this letter was sent to
16 parents previously on January 17 of 2020?

17 A. I can only assume, I wasn't
18 in the district. I can assume since she
19 had access to it that Principal Tucker
20 wrote this letter and gave it out.

21 Q. I understand that this
22 predates your time as principal. Exhibit 9
23 states that cell phone policies are
24 integral -- or an integral part of our
25 school climate and culture.

CONFIDENTIAL

Page 239

1 Do you see that?

2 MR. SEXTON: What part of the
3 exhibit are you referring to, what
4 exhibit number?

5 THE WITNESS: This one.

6 MR. INNES: No, he's right,
7 Exhibit 8 is the cover email to
8 Exhibit 9.

9 MR. SEXTON: Sorry, sorry.

10 MR. INNES: I think my
11 statement just played out on the
12 record.

13 BY MR. KARP:

14 Q. Looking specifically at
15 Exhibit 9, which is the letter dated
16 January 17, 2020, it states that cell phone
17 policies are an integral part of University
18 Middle School's climate and culture?

19 Do you see that?

20 A. I do see that statement.

21 Q. Okay. And if you look down
22 to the sentence below it says, "The major
23 infractions and issues include," and then
24 there's a list of four infractions and
25 issues.

CONFIDENTIAL

Page 240

1 Do you see that?

2 A. I do.

3 Q. The first is lost or stolen
4 phones, right?

5 MR. INNES: Objection.

6 MR. KARP: You may answer.

7 THE WITNESS: Oh, yes, I do
8 see that.

9 BY MR. KARP:

10 Q. Yes. The second item listed
11 here is "Inappropriate pictures and
12 videotaping (nudity, fights and dancing)."

13 Do you see that?

14 A. Yes, I do.

15 Q. Okay. Is it your
16 understanding that nudity, fights and
17 dancing refer to content or images or
18 videos that would be shared using cell
19 phones?

20 MR. INNES: Objection. Before
21 he answers, let me put this on the
22 record. So I think you've already
23 established that this predates his
24 time in the district. You
25 established that he hasn't drafted

CONFIDENTIAL

Page 241

1 this email. And now you're asking
2 about what this email means or
3 letter means; is that correct?

4 MR. KARP: If he doesn't
5 understand or if he doesn't know
6 the answer to the question, he's
7 more than welcome to say, I don't
8 know, this predates my time. I'm
9 asking if he knows. And he's
10 well --

11 MR. INNES: Do you have a
12 good-faith basis to ask him if he
13 understands what's in the letter
14 that admittedly predates his time?

15 MR. KARP: He received this
16 letter, very clearly, we can see
17 that with the email he received
18 from Gail Rosen. And I'm asking
19 him if he has an understanding. If
20 he doesn't, he can say so.

21 MR. INNES: Okay.

22 MR. KARP: Your objection is
23 noted. Mr. Bussacco, do you want
24 me to repeat the question?

25 THE WITNESS: What was your

CONFIDENTIAL

Page 242

1 question? Yes, please.

2 BY MR. KARP:

3 Q. My question is, is it your
4 understanding that inappropriate pictures
5 and vaping as it's used here is referring
6 to nudity, fights, and dancing that were
7 being shared on cell phones?

8 A. I can't speculate.

9 Q. Okay. What about texting
10 during class, do you have an understanding
11 of what that's referring to?

12 A. I know what texting is, but I
13 don't know what was happening at that
14 school at this time.

15 Q. Okay. Likewise, you don't
16 know what's referred -- what is meant here
17 by inappropriate social media use?

18 A. Not specifically, no.

19 Q. We can move on from this
20 document. Let's take a look at tab ten
21 and, finally, the numbers line up, we will
22 mark this as Exhibit 10.

23 - - - - -

24 (Professional Assessment and
25 Development Evaluation for School

CONFIDENTIAL

Page 243

1 Administrators Bates
2 BW__Irvington00332758 to 00332766
3 marked Bussacco Exhibit 10 for
4 identification.)

5 - - - - -

6 BY MR. KARP:

7 Q. Do you need a minute to
8 review this?

9 A. No, I understand the
10 document. I don't know the specifics at
11 the moment, but as I look through it.

12 Q. Sure. Okay. This document
13 is dated May 19, 2023. Do you see that as
14 the evaluation date?

15 A. Yes.

16 Q. Okay. This is a professional
17 assessment and development evaluation for
18 school administrators?

19 A. Uh-huh.

20 Q. As part of your role as
21 principal of University Middle School, do
22 you conduct evaluations of other
23 administrators?

24 A. Administrators that work for
25 me, yes.

CONFIDENTIAL

Page 244

1 Q. Yes. And that's based on
2 your observations of those administrators?

3 A. Yup.

4 Q. The administrator who appears
5 to be reviewed or evaluated here is Ms.
6 Sharrock?

7 A. Ms. Sharrock.

8 Q. Sharrock, thank you. Who is
9 Ms. Sharrock?

10 A. She is -- was my assistant
11 principal for that year. She is now the
12 assistant principal at the Rita Owens STEAM
13 High School.

14 Q. And for the record, that's
15 not part of Irvington?

16 A. No, it is part of Irvington.
17 The Rita Owens STEAM, yes, that's a
18 satellite of Irvington High School.

19 Q. Understood, okay. And is
20 this the form that you filled out as part
21 of evaluating Ms. Sharrock?

22 A. So page 1, 2, and up to
23 number 14, that's her opinions. This is
24 her reflection. These are her answers.

25 Q. Yes.

CONFIDENTIAL

Page 245

1 A. Where the domains, that's my
2 writing there. And then on the last page,
3 pages 8 and 9 are her opinions.

4 Q. Okay. So this document
5 contains a mix of statements that
6 Ms. Sharrock has made and statements that
7 you've made?

8 A. Correct. So the first part,
9 if I'm making more sense, you see where it
10 says a pre-conference date on May 15?

11 Q. Uh-huh.

12 A. Pre-conference were her
13 responses to numbers one to 14.

14 Q. Understood.

15 A. I don't know when the
16 post-conference happened, I'm assuming it
17 happened after the 19th, makes sense, post,
18 and that's when she provided me, after she
19 saw my whole narrative I wrote, where she
20 provided her feedback, her opinions, her
21 post-observation on pages 8 and 9.

22 Q. And the time frame at issue
23 for this evaluation or the time period for
24 which Ms. Sharrock was being evaluated is
25 indicated as July 1, 2022, through May 15,

CONFIDENTIAL

Page 246

1 2023; is that right?

2 A. Yeah.

3 Q. Let's go to the bottom of the
4 third page.

5 A. Okay.

6 Q. Do you see the section called
7 "Comments"?

8 A. Yes.

9 Q. The comment at the bottom of
10 this page reads, "Ms. Sharrock demonstrates
11 a commendable commitment to ensuring a
12 data-driven focus on student achievement.
13 Her efforts are evident in the school's
14 culture, where data is valued and utilized
15 to inform decision-making. She
16 collaborates with teachers and staff,
17 encouraging them to analyze data, set
18 goals, and implement evidence-based
19 practices. Ms. Sharrock provides timely
20 feedback and support to educators,
21 empowering them to use data effectively in
22 tailoring instruction and interventions to
23 meet student needs."

24 Did I read that correctly?

25 A. Yes, you did.

CONFIDENTIAL

Page 247

1 Q. Is that -- did you write that
2 comment?

3 A. I did.

4 Q. Okay. And do you believe all
5 of that to be true?

6 A. I do.

7 Q. Ms. Sharrock, as you
8 observed, makes evidence-based decisions?

9 A. On academics, yeah. This is
10 strictly regarding academics.

11 Q. And Ms. Sharrock is a
12 commendable administrator in your view?

13 A. In my view, yes.

14 Q. Let's go back to the first
15 page.

16 A. Okay.

17 Q. We've discussed this a little
18 bit already, but the first page includes
19 information from the pre -- from the
20 pre-conference; is that right?

21 A. That's correct.

22 Q. Okay. And you can even see
23 at the just under the table it says, "to be
24 completed by the administrator"?

25 A. Yeah.

CONFIDENTIAL

Page 248

1 Q. "-- for the pre-observation
2 conference," right?

3 A. Uh-huh.

4 Q. So these are statements that
5 Ms. Sharrock made?

6 A. Correct.

7 Q. Yes. I didn't mean to answer
8 for you.

9 A. No, I appreciate it.

10 Q. Question one asks, "What data
11 sources did you consider to develop your
12 student achievement goals?"

13 Do you see that?

14 A. I do.

15 Q. And Ms. Sharrock wrote, "The
16 data sources I have used to develop my
17 student achievement goals are the
18 attendance data and the daily discipline
19 data." And she lists OSS, ISS, HFP, and
20 BMR?

21 A. Yes.

22 Q. OSS is out-of-school
23 suspension?

24 A. Yes, sir.

25 Q. ISS is in-school suspension?

CONFIDENTIAL

Page 249

1 A. Yup.

2 Q. Okay. This is where I --

3 A. HFP is home for parent.

4 Q. Okay.

5 A. And BMR, behavior
6 modification.

7 Q. And what do those two
8 acronyms --

9 A. Home for parents basically
10 means I need -- I've exhausted many, you
11 know -- HFP, it means that as
12 administrators and deans, we've
13 exhausted -- and teachers, we've exhausted
14 many different outlets, what I mean by
15 exhausted is we've tried pulling the
16 student aside privately, talking to them,
17 contacting parents, so now we get to the
18 point where I need your parent to come into
19 school and meet with the administrator. So
20 that's what HFP is, like, we don't want you
21 to suspend you, but we have got to figure
22 something out, because that's the path
23 you're going and we want to fix that. So I
24 do more HFPs than I do the other two.

25 And BMR is synonymous with

CONFIDENTIAL

Page 250

1 in-school suspension, I just don't like the
2 word, "ISS," but that's the word the state
3 uses, so behavior modification, because
4 in-school suspension, in my day what that
5 meant is I would sit there and I would just
6 be bored out of my mind and my punishment
7 BMR where I establish I'm going there is
8 where students reflect on their behavior,
9 they check in with the school counselor,
10 HSSC, or a dean, admin as well, but those
11 are the main ones, the school counselors,
12 HSSC, and the deans to reflect on their
13 behavior. So they have to write, you know,
14 why do they believe they're here, what
15 could they have done differently, and then
16 they get to meet with someone and then we
17 make the determination next steps how to
18 get them out of that room as fast as
19 possible, because they are losing
20 instruction and the goal is to get them in
21 the classroom, but they do need, like, a
22 timeout.

23 Q. Understood. Thank you for
24 that explanation. In response to question
25 two, Ms. Sharrock wrote, "The root cause of

CONFIDENTIAL

Page 251

1 my student achievement goals is poor
2 attendance, language barriers, economic
3 factors, and the structure of parental
4 involvement."

5 Do you see that?

6 A. I do.

7 Q. Do you have any basis to
8 disagree with Ms. Sharrock's statement?

9 A. "The root cause of my student
10 achievement goals is poor attendance,
11 language barriers, economic factors, and
12 the structure of parental --" those are
13 some of them, yup.

14 Q. Are these still root causes
15 of more academic achievement at University
16 Middle School?

17 MR. INNES: Objection.

18 THE WITNESS: Poor attendance
19 or school avoidance is what we call
20 it today. Language barriers, not
21 so much. We've created many goals
22 and opportunities to support our
23 growing population, so no.

24 Economic factors, possibly.

25 And the structure of

CONFIDENTIAL

Page 252

1 parental involvement, that has
2 changed drastically for the
3 positive. And it goes with the
4 nature of middle school, once
5 your child leaves, you know,
6 elementary, parents get less
7 involved all the way to high
8 school.

9 BY MR. KARP:

10 Q. Ms. Sharrock goes on to say,
11 "We have a chronic absenteeism rate due to
12 many factors, such as students staying home
13 to babysit or parents unaware that their
14 child is home because they have to work."

15 Did I read that correctly?

16 A. You did read her statement
17 correctly.

18 Q. Do you have any basis to
19 disagree with Ms. Sharrock's statement?

20 A. I do. I do. That is not the
21 majority of our chronic absenteeism. We do
22 experience students having to stay home, as
23 I mentioned way -- many hours ago, I was a
24 chronically absent student and
25 unfortunately it became, does mom go to

CONFIDENTIAL

Page 253

1 work or do I stay home from school and
2 watch my brother. So these are realities
3 in the world we live in, but I would not
4 say this is even remotely to the chronic
5 absenteeism problem that we experience
6 today. So I disagree with that statement
7 and that is why I mentioned a little bit
8 earlier, these are her opinions.

9 Q. Sure. And Ms. Sharrock, as
10 you mentioned, continues to work for
11 Irvington Public Schools?

12 A. Absolutely.

13 Q. After this year, she was
14 promoted from assistant principal to did
15 you say principal?

16 A. No, she's still assistant
17 principal --

18 Q. Assistant principal at a --

19 A. -- at a different high
20 school.

21 Q. -- high school? Okay.

22 A. Uh-huh.

23 Q. Got it.

24 A. She left me after this year.

25 Q. Ms. Sharrock continues to

CONFIDENTIAL

Page 254

1 say, "We have a large ELL population whose
2 parents often shy away from school
3 involvement. We also have a developing
4 PTA, where we struggle with increasing
5 parent attendance and investment."

6 A. At that time, that was a
7 factual statement. Today, not so much.

8 Q. Okay. So with respect to the
9 2022 to 2023 school year, that was a true
10 statement -- in your view?

11 A. We have a large -- we do have
12 a large ELL population, correct, we still
13 do. Parents shy away from school
14 involvement, I would say more not shy away,
15 but more of those language barriers and not
16 understanding what we were doing in the
17 school, which I mentioned a little bit
18 earlier, we've put systems in place to
19 correct that and we were developing PTA
20 prior to me, the PTA wasn't really there,
21 and now we have a fully functioning PTA.

22 Q. At the time though, there
23 was, you agree that the --

24 A. Fairly accurate, yeah, the
25 PTA, that statement was correct, we were

CONFIDENTIAL

Page 255

1 developing a PTA where we struggled with
2 increasing parent attendance at those
3 events, yup.

4 Q. And if I understood you
5 correctly, the language barrier made it
6 challenging to engage with the parents of
7 ELA students?

8 A. Yes, I would say it wasn't
9 that they shied away from school
10 involvement, they were just not
11 knowledgeable, that's not a fair word, but
12 they were unfamiliar with how to engage
13 with school.

14 Q. And would that have had a
15 negative effect on those ELL students whose
16 parents weren't participating?

17 A. It could have if
18 interventions weren't put in place to
19 correct that.

20 Q. Ms. Sharrock concluded her
21 response by saying, "All of these factors
22 lead to poor academic achievement," do you
23 agree?

24 A. When you -- let me see, when
25 children don't come to school, I stated

CONFIDENTIAL

Page 256

1 earlier, chronic absenteeism, yup, I agree
2 with that one. Students staying home.
3 Parents not being involved, you could argue
4 that it could or not, depending on the
5 student, but if they need to get into
6 contact with the school and they don't know
7 how to, so I can see where she was going
8 with that.

9 I don't see a correlation
10 between the PTA and academic achievement.
11 But -- let me retract that, no, I can't. I
12 see a correlation, but not a direct
13 correlation between poor academic
14 achievement and having a PTA. Having a PTA
15 is very effective, because you get more
16 parents' word of mouth to talk about the
17 positives, not always the negatives of the
18 school. So, you know, when a school is
19 looked at as a better place, people want to
20 be there. So having a stronger PTA that
21 supports them back to school changes the
22 narrative that people don't get to see
23 about our school.

24 Q. I understand. Do the words,
25 "social media" appear anywhere in

CONFIDENTIAL

Page 257

1 Ms. Sharrock's response where she was asked
2 to identify the root causes of the student
3 achievement issues?

4 A. She did not write that.

5 Q. Why don't we turn to page 9.

6 A. Okay.

7 Q. And the prompt for -- excuse
8 me, prompt number five says, "Describe the
9 most critical need in your building."

10 A. Uh-huh.

11 Q. Do you see that?

12 This is also a section of
13 the assessment that Ms. Sharrock filled
14 out?

15 A. Yes. This is Ms. Sharrock's
16 statement.

17 Q. And in response to this
18 prompt, Ms. Sharrock wrote, "the most
19 critical need at University Middle School
20 is professionalism."

21 A. Yup.

22 Q. "There is a huge potential
23 gap at University Middle School. There is
24 an immense amount of talent that is
25 available and in the staff pool. However,

CONFIDENTIAL

Page 258

1 there is a culture of chronic complaining
2 and commiseration. If the staff were able
3 to see their potential and invest in
4 solutions there would be less strife
5 between staff and students, which leads to
6 BMR assignments, HFP or suspensions. These
7 disciplinary measures take away valuable
8 time from learning. Further, there is a
9 casualness overlaying the behavior of a
10 significant amount of the support staff.
11 The school would benefit from more
12 professional exemplars for the students."

13 Did I read that correctly?

14 A. You read her statement
15 correctly.

16 Q. Okay. Your assistant
17 principal concluded and wrote here that the
18 most critical need at University Middle
19 School was professionalism among the staff?

20 A. That is what she wrote.

21 Q. She identified a culture of
22 chronic complaining and commiseration?

23 A. She did, but I disagree with
24 the whole statement.

25 Q. She also stated that there

CONFIDENTIAL

Page 259

1 was strife between staff and students and
2 that that resulted in BMR assignments, HFP,
3 or suspensions, right?

4 A. She did claim that, yes.

5 Q. Ms. Sharrock believed, as she
6 wrote here, that the school would benefit
7 from more professional exemplars from
8 students, right?

9 A. Yes, she did write that
10 statement.

11 Q. Nowhere in this response when
12 Ms. Sharrock was asked to describe the most
13 critical need in the building did she
14 identify anything relating to technology,
15 do you agree?

16 A. Specifically, no, but in the
17 sentence of less strife between staff and
18 students, based on my recollection of my
19 conversation, that is part of her argument
20 is was there was a huge change in culture
21 that year where I became principal and
22 staff members joined the school and you had
23 teachers who wanted zero tolerance for
24 certain things and you had people who
25 understood how to work with students and I

CONFIDENTIAL

Page 260

1 was changing its culture. And there's a
2 lot of movement that happened after this
3 year, including Ms. Sharrock, who did not
4 fit in the culture of this school, but the
5 strife is talking about how staff members,
6 there was a large percentage of staff
7 members at the time who believed in zero
8 tolerance, rather than educating students
9 on the misuse of technology, fooling around
10 in class, not being prepared, and I had to
11 shift an entire culture, which we've
12 successfully done this year. We're moving
13 in the right direction, as evidenced in our
14 growth in our new state report that just
15 came out a couple of weeks ago, but that is
16 what she is referring to and she was
17 subsequently transferred that year.

18 Q. But, to be clear, based on
19 the evaluation or the assessment that we're
20 reviewing, you gave her a very positive
21 assessment?

22 A. Oh, absolutely, she was a
23 phenomenal administrator in the concepts of
24 doing her job. Content based, probably one
25 of the strongest ELA people I've met in my

CONFIDENTIAL

Page 261

1 entire career. She had an ELA background.
2 She knew how to -- she knew what good
3 instruction looked like. She was a veteran
4 educator. I relied on her for certain
5 areas, but she's not the person I relied on
6 for chronic -- not chronic -- for climate
7 and culture. I had two other assistant
8 principals. They were my main focus. She
9 was more of an academic, but since I serve
10 as academic and climate and culture, I had
11 to, unfortunately, lose an AP and because I
12 could do similar things as her, I moved
13 her, but academic-wise, she's phenomenal.
14 She's probably one of the strongest in this
15 district today academic-wise.

16 Q. And you commended her for
17 making data-driven decisions?

18 A. Academic data decisions. She
19 was mainly responsible for walk-throughs
20 and increasing test scores. So my data,
21 specifically, if I can go back specifically
22 is academic, because if you look on page 1,
23 it's all about academics and that's what I
24 was talking about.

25 Q. Do you have any reason to

CONFIDENTIAL

Page 262

1 believe that the statements Ms. Sharrock
2 made in this assessment were not data
3 driven?

4 A. Yes, I believe some of these
5 were her opinions. So data in her
6 anecdotal records and conversations with
7 certain people. So data, in her mind, but
8 she doesn't, as you can see in her
9 reflections, she does not provide any
10 concrete data. These are just all
11 opinions.

12 But when I meet with her for
13 her regular weekly check-ins and stuff, we
14 discuss IXL data, i-Ready data at the time,
15 how many walk-throughs she's done, growth
16 areas for teaching and learning and that
17 was specifically her job. So that's why I
18 commended her on her data, because she's
19 spot on with great instruction.

20 Q. You agree that Ms. Sharrock
21 had no motive to lie or make up facts --

22 A. I wouldn't say there's these
23 lies --

24 Q. -- for this assessment?

25 A. I wouldn't say these lies at

CONFIDENTIAL

Page 263

1 all. These are her opinions. Everybody is
2 entitled to her opinion. She saw it things
3 her way. She saw it as people just
4 complaining and she comes from a different
5 era of administration and I operate
6 differently and I welcome complaints,
7 concerns, because that's how you go you
8 grow and find your weak areas and she's
9 more of a perspective, I am assistant
10 principal, this is my role, do not question
11 me.

12 Q. And in terms of the most
13 critical need that she identified at
14 University Middle School --

15 A. Professionalism?

16 Q. -- she does not mention the
17 word, "technology" anywhere in that
18 response?

19 A. Not in written response, she
20 does not.

21 Q. The words, "cell phone" do
22 not appear in this response?

23 A. No, once again, not in a
24 written response, but this is, to be fair,
25 since you're bringing up a post-observation

CONFIDENTIAL

Page 264

1 reflection, there's a conversation piece
2 that comes with this and a whole year's
3 worth of conversations. So that's why I
4 went back, I know specifically what she was
5 talking about with the strife.

6 Q. Okay. But she does not
7 specifically use the words, "social media"
8 in her response, right?

9 A. No, I don't think she uses
10 that within anything in this.

11 Q. You can put this document to
12 the side.

13 Mr. Bussacco, do you use
14 social media in your personal life?

15 A. I do.

16 Q. What social media accounts do
17 you have?

18 A. Do I have or do I use?
19 There's a difference, but I mainly use
20 Instagram and Facebook. I've had a
21 Facebook since it was back in the day when
22 you had to be a college student to get a
23 Facebook account. So I have that.

24 I use Instagram, I don't use
25 it regularly, it's more of my son's

CONFIDENTIAL

Page 265

1 Instagram page. He wants me to post
2 pictures of him, so he can get his likes.
3 And he's only nine years old, and so he
4 wants his likes. He's very vain, love him,
5 but vain. But those are the two main
6 platforms I use.

7 I have TikTok on my phone,
8 have I engaged in it, yeah, it's just I
9 don't enjoy it. It's not my thing. But I
10 have those apps. I have Twitter or X, I
11 have that. I use that just, you know, to
12 follow certain -- I like music, so certain
13 artists and stuff like that, but that's
14 pretty much it.

15 I don't really engage in
16 social media, like, I don't post a lot
17 anymore, but I have it.

18 Q. Okay.

19 A. So if you see my social
20 media, it's mainly just pictures of my
21 family, outings, nothing, yeah. It's
22 boring.

23 Q. Do you have a Snap --

24 MR. INNES: I'm going to
25 object to this, it's getting very

CONFIDENTIAL

Page 266

1 difficult for me to get these
2 objections --

3 THE WITNESS: Sorry.

4 MR. INNES: -- just to the
5 relevance of exploring Mr.
6 Bussacco's personal life here. I'm
7 just wondering what the relevance
8 of is of these questions.

9 BY MR. KARP:

10 Q. Understood. I'll try to keep
11 this brief.

12 Mr. Bussacco, do you have a
13 SnapChat account?

14 MR. INNES: Objection.
15 Relevance.

16 THE WITNESS: I don't believe
17 I do, I might.

18 MR. KARP: I'm happy to give
19 you a running objection, if that's
20 easier for you on this line of
21 questioning, but you're also
22 welcome to --

23 MR. INNES: Yeah, if you want
24 to stipulate that we'll --

25 MR. KARP: You can have a

CONFIDENTIAL

Page 267

1 running objection.

2 MR. INNES: Running objection.

3 MR. KARP: Gotcha.

4 THE WITNESS: So to answer
5 that question, if I do, I don't
6 remember it, I haven't used it in
7 years. So I might have created
8 one, but I don't think I do. I
9 haven't used it, let's say, at
10 least in the past five years, I can
11 confidently say that.

12 BY MR. KARP:

13 Q. Do you have a YouTube
14 account?

15 A. I do.

16 Q. Do you recall roughly when
17 you created your Instagram account,
18 approximately?

19 A. I think when it came out. I
20 think it was 2018, 2019. I was on a
21 vacation in Costa Rica. That's all I
22 remember.

23 Q. And how often would you say
24 you post on Instagram?

25 A. Six to 12 times a year.

CONFIDENTIAL

Page 268

1 Q. How often are you using
2 Instagram to look at posts that other
3 people have made?

4 A. Daily.

5 Q. You said daily?

6 A. Daily, yeah, uh-huh.

7 Q. Did you say you created your
8 Facebook account when you were in college?

9 A. Yeah.

10 Q. May I ask when exactly that
11 was?

12 A. Probably 2003, 2004.

13 Q. Do you post on Facebook?

14 A. Rarely, six to 12 times a
15 year maybe. I'm tagged in things, but I
16 don't post.

17 Q. And has that roughly been the
18 same since 2003, 2004 or has that changed
19 over the last 20 years --

20 A. It has drastically changed.
21 I used to use it a lot more.

22 Q. And how often are you on
23 Facebook looking at the content that other
24 people have posted?

25 A. Not as -- probably every

CONFIDENTIAL

Page 269

1 other day or daily, but Instagram is the
2 one I go to the most.

3 Q. Okay. You said you also have
4 a TikTok account?

5 A. I have a TikTok account, yes.
6 I was curious what the fad was.

7 Q. And I believe you said it's
8 not something you use very often?

9 A. No. I get tagged a lot, but
10 I don't really even open that often.

11 Q. Could you approximate how
12 many times a year you have used your TikTok
13 account?

14 A. I don't think I've ever made
15 a post before. I might look at it, I'm
16 going to guesstimate, twice a month, maybe
17 three times a month. Ice cream time.

18 Q. You said you have a Twitter?

19 A. I do have X, yup.

20 Q. Or X, right. Do you post to
21 X?

22 A. Not --

23 MR. INNES: Objection. I
24 guess a running objection is
25 covering this, now we're into

CONFIDENTIAL

Page 270

1 non-defendants, right? Now I'm
2 trying to figure out what the
3 relevance is again.

4 MR. KARP: I just want to
5 understand Mr. Bussacco's use of
6 social media.

7 MR. INNES: How is that
8 relevant to our case?

9 MR. KARP: I don't think I
10 need to make legal arguments about
11 relevance of my questions. I
12 believe this could lead to
13 discoverable --

14 MR. INNES: I think you have
15 to have a good-faith basis to ask
16 your question.

17 MR. KARP: Sure. I believe
18 that Mr. Bussacco's views on the
19 potential uses of social media are
20 relevant to the claims that you're
21 making.

22 MR. INNES: For use, an
23 adult's use of social media in his
24 private capacity are relevant to
25 the features and the harms these

CONFIDENTIAL

Page 271

1 features have caused to the
2 students in the school district?

3 MR. KARP: Are you instructing
4 the witness not to answer my
5 questions about --

6 MR. INNES: No, you said we're
7 having a conversation. We're
8 having a conversation about the
9 relevance and your good-faith basis
10 to ask Mr. Bussacco about his use
11 of social media, including
12 platforms that aren't even part of
13 the case.

14 MR. KARP: Sure. This is the
15 only one that he identified and
16 I'll be done with this in about 20
17 seconds, if you let me.

18 MR. INNES: Okay.

19 BY MR. KARP:

20 Q. Do you know how often you use
21 X, how many times a year?

22 A. Looking at it, probably
23 daily. I don't think I've posted in many,
24 many years.

25 Q. You said that you might have

CONFIDENTIAL

Page 272

1 a SnapChat account, but you don't know for
2 sure sitting here today --

3 A. I'm positive I created it in
4 my younger days, but I don't use it.

5 Q. Okay. You said that you have
6 a YouTube account?

7 A. I do.

8 Q. For how long have you had a
9 YouTube account?

10 A. I believe I created it during
11 COVID in 2020.

12 Q. Okay. And can you tell me
13 more about how you typically use YouTube?

14 A. I guess, because I rarely use
15 it, [REDACTED]
[REDACTED]
17 Maybe someone told me about a music video,
18 but that's pretty much it.

19 There was a time where I
20 used it to do, like, what's it called, my
21 God, give me a second, I'm sorry. I used
22 it to -- what is it called, I'm sorry?
23 Post like my events during social media.
24 Like if I had a poetry slam, I would post
25 it with that specific link so they would go

CONFIDENTIAL

Page 273

1 to -- my parents would go to that event,
2 the ones that missed it.

3	Q.	Understood.
---	----	-------------

4 A. And that was not in Irvington
5 Public Schools though, that was in
6 Paterson.

[illegible]

CONFIDENTIAL

Page 274

19 Q. Just one more set of
20 questions, Mr. Bussacco.

21 A. Yes, sir.

22 Q. In connection with this
23 lawsuit, did you receive a litigation hold
24 notice or a document instructing you to
25 preserve or hold onto documents?

CONFIDENTIAL

Page 275

1 A. Did I receive something that
2 asked me to preserve or hold onto
3 documents? I don't recall being asked to
4 preserve anything. I don't recall that.

5 Q. Okay. You do not recall
6 receiving a document that would have set
7 out instructions for types of documents
8 that you should hold onto and should not
9 delete or destroy?

10 A. I know I was asked about
11 certain documents I have, but I'm never
12 allowed to delete documents anyway, so no
13 one has asked me to not delete something.

14 Q. When you say you're not
15 allowed to delete documents, what do you
16 mean?

17 A. School documents, if I'm on
18 the web, Irvington documents and I'm doing
19 work for that, it belongs to the district,
20 so even if I delete it, it's not deleted.

21 Q. Do you recall ever receiving
22 an instruction orally not to destroy any
23 documents that could relate to this
24 litigation?

25 MR. INNES: Objection,

CONFIDENTIAL

Page 276

1 privileged. To the extent you can
2 answer the question without
3 divulging communications between me
4 or any of the members of my team
5 and law firm, you can do so. If
6 you can't, then you should not
7 answer that question.

8 THE WITNESS: Your question
9 was, do you recall ever receiving
10 an instruction orally not to
11 destroy any documents? That was
12 your question?

13 BY MR. KARP:

14 Q. Sure.

15 A. I was never asked to not
16 destroy any documents.

17 Q. Do you know if University
18 Middle School has any systems in place that
19 automatically delete files after a certain
20 period of time, for example, emails may be
21 deleted after 90 days or something along
22 those lines?

23 MR. INNES: Objection. Asked
24 and answered.

25 THE WITNESS: The way Google

CONFIDENTIAL

Page 277

1 works, emails get deleted, all my
2 emails go back to when I was in the
3 district from 2008, they're all in
4 nice, little folders, so they don't
5 get deleted unless you delete an
6 email.

7 And then what I answered
8 earlier, they have a right to
9 access my email, because it's --

10 MR. INNES: Right.

11 THE WITNESS: I'm an employee
12 of the district, yeah.

13 BY MR. KARP:

14 Q. Last question here, set of
15 questions, earlier we were discussing
16 school performance reports --

17 A. Yes.

18 Q. -- for University Middle
19 School. Do you prepare drafts of those
20 performance reports?

21 A. What do you mean by that, I'm
22 sorry? Like how we're doing on the
23 assessments?

24 Q. In terms of the information
25 that you collect and provide to the New

CONFIDENTIAL

Page 278

1 Jersey Department of Education in the form
2 of something like an annual school
3 planning, do you retain -- do you create
4 and retain drafts of those planning
5 documents?

6 A. Oh, drafts of the
7 end-of-school plan?

8 Q. Yes.

9 A. Yes, I personally do.

10 Q. Okay. And would those drafts
11 be in your files?

12 A. Yes.

13 Q. Do you know specifically
14 where in your files they would be? Are
15 they saved in a particular system?

16 A. They're in my Google Drive.
17 Most likely knowing me, they're organized
18 as either data team or backslash ASP for
19 annual school plan.

20 MR. KARP: Okay. Thank you
21 for your time today. There are a
22 couple of things I want to put on
23 the record, but I will, for now,
24 pass the witness if you have any
25 questions.

CONFIDENTIAL

Page 279

1 MR. INNES: Yeah. Can you
2 give me ten minutes to go off the
3 record for ten minutes to gather my
4 notes and --

5 MR. KARP: Sure.

6 MR. INNES: -- I think that
7 way I can streamline it, rather
8 than fumbling around.

9 THE VIDEOGRAPHER: The time is
10 4:08 p.m. We are off the record.

11 - - - - -

12 (A recess was taken at this time.)

13 - - - - -

14 THE VIDEOGRAPHER: The time
15 right now is 4:31 p.m. We're back
16 on the record.

17 BY MR. INNES:

18 Q. Good afternoon, Mr. Bussacco.
19 For the record, my name is Michael Innes.
20 I represent the school district in this
21 case. First of all, thank you very much
22 for being here.

23 At one point, during the
24 questioning today by Mr. Karp, you'll
25 recall that the topic of New Jersey state

CONFIDENTIAL

Page 280

1 testing came up. Is that going on today?

2 A. Yes, it is.

3 Q. Okay. And before you came
4 here today, could you walk me through your
5 morning?

6 A. Yes. I arrived approximately
7 about 8:00 in the morning like I usually
8 do. My morning is usually making last
9 minute adjustments, if anyone calls out for
10 testing, moving proctors around.

11 Before I could get upstairs
12 to testing, around 8:27, 8:28, we got a
13 signal five. A signal five indicates a
14 fight. We got it on the radio there being
15 a fight. I did not go to the fight. I was
16 in the secure testing location, but
17 security brought them to my office where my
18 APs were. My AP, Ms. Alexis Allen-Penn,
19 handled the situation and upon further
20 investigation we found out it wasn't a
21 fight, it was actually students using
22 TikTok to do the fight challenge. I would
23 call it -- I don't know if it's really
24 called a challenge, but a quick search that
25 she said she made basically was just cause

CONFIDENTIAL

Page 281

1 a fight, cause pandemonium.

2 Q. And so this morning before
3 this deposition, you were engaged in an
4 investigation or diffusing a situation
5 regarding a TikTok challenge that resulted
6 in a fight?

7 A. I personally didn't, but my
8 AP who is part of testing, she was assigned
9 to that, and I had to reassign someone else
10 to take her part, she wound up handling the
11 matter.

12 Q. Okay. And were the students
13 involved in that challenge, were they
14 scheduled to take the test today?

15 A. Yes.

16 Q. In your experience as an
17 educator, is that -- is engaging in a fight
18 the best way to prepare to sit for the
19 NJSLA?

20 MR. KARP: Object to form.

21 THE WITNESS: No, I believe
22 it's the opposite.

23 BY MR. INNES:

24 Q. Why would you say it's the
25 opposite?

CONFIDENTIAL

Page 282

1 A. We want to get students
2 relaxed, at the same time, mentally pumped
3 up to do their best on the assessment and,
4 unfortunately, people had their phones out,
5 because it was around arrival time, kids
6 get in around 8:25, so that spread around
7 that there was a fight, and now everyone
8 was talking about it, there was comments on
9 it, so that disrupted the classrooms where
10 kids are testing, as well as the
11 sixth-grade area where they're not testing,
12 so it just spreads like wildfire.

13 Q. And you also discussed with
14 Mr. Karp earlier today your school's
15 performance, your school's academic
16 performance. Do you remember that?

17 A. Regarding my academic
18 performance?

19 Q. Yeah, your scholars' overall
20 academic performance.

21 Do you recall that?

22 A. Slightly, yeah.

23 Q. In your experience in the
24 district and as an educator, is it your
25 belief that scholars' use of social media

CONFIDENTIAL

Page 283

1 has had a negative impact on their
2 learning?

3 A. In my --

4 MR. KARP: Object to form.

5 THE WITNESS: In my opinion,
6 do I believe social media has had a
7 negative impact on students'
8 learning is your question?

9 BY MR. INNES:

10 Q. On scholars learning.

11 A. Scholars, yes, 100 percent.

12 Q. In your experience, is it
13 your opinion that they've had -- strike
14 that.

15 In your experience in
16 Irvington, would you agree that scholars
17 use of social media has depressed their
18 scores on testing?

19 MR. KARP: Object to form.

20 THE WITNESS: I could make
21 that correlation, because they're
22 spending more time wondering who is
23 liking their posts, who is talking
24 about them, not focusing on
25 academics. That I could also look

CONFIDENTIAL

Page 284

1 at how even homework is not done on
2 a regular basis. Classwork is
3 suffering, because the kids are --
4 figured out ways to use social
5 media apps and other projects, you
6 know, using the phone to text like
7 this under the table without the
8 teacher even knowing now. Kids
9 have become very adaptive of doing
10 things in plain sight.

11 BY MR. INNES:

12 Q. So, and correct me if I'm
13 wrong, but I think is it your testimony
14 that students are not as engaged in their
15 homework because they're using social
16 media?

17 MR. KARP: Object to form.

18 THE WITNESS: I personally
19 believe they're not engaged in
20 their homework on top of all other
21 academics because of their
22 extensive use of wondering what's
23 going on in the world out there and
24 not on a global, but more on a
25 micro stance of Irvington, what's

CONFIDENTIAL

Page 285

1 happening in my school, with my
2 friends at the high school and it's
3 a lot going on, it's a constant.

4 BY MR. INNES:

5 Q. And in your experience, in
6 conversations with scholars and faculty,
7 based on that, are the students focused --
8 are the scholars focused on likes?

9 A. Are scholars focused on
10 likes?

11 MR. KARP: Object to form.

12 THE WITNESS: I would say,
13 yes, in the concept that they want
14 to use it to show, you know, that
15 they're popular, otherwise, they
16 wouldn't keep doing it. And then
17 other kids do take that message and
18 share it out so they can get likes
19 and who was the first person who
20 can get the information out there.

21 So it's always been like a
22 competition, unfortunately, of
23 who can post these videos, who
24 can get likes, but it's more --
25 it's deeper than that. It's the

CONFIDENTIAL

Page 286

1 comments, the comments that come
2 from it and then it's just deep.

3 BY MR. INNES:

4 Q. So let's circle back to where
5 we started this conversation. Is it your
6 belief that students engaged in the TikTok
7 challenge this morning for purposes of
8 getting likes?

9 A. After discussing this with
10 Mrs. Allen-Penn, we initially were going to
11 have their parents pick them up because we
12 thought there was a fight and it's
13 disrupting the testing environment, so
14 we're a little bit stricter when it comes
15 to stuff like that, because there's a lot
16 of irregularities that could have taken
17 place, but as she's talking to the kids,
18 she realized this is how she found out that
19 they really weren't fighting. She also
20 knew that two of the kids were really
21 close, so it was suspicious or, like,
22 what's going on. So it was more kids doing
23 it so they could say, ooh, look, whose
24 fight was the best, so, yes, likes is where
25 I would go with that.

CONFIDENTIAL

Page 287

1 Q. Okay. So it actually wasn't
2 a fight, it was a --

3 A. A pretend fight.

4 Q. -- a pretend fight?

5 A. Cause chaos, basically.

6 Q. Okay. And and they engaged
7 in that challenge --

8 A. They set up their phone prior
9 to the event, it wasn't like other people
10 recorded it, because -- so let me retract,
11 other people did record it, but they set up
12 their phone prior to, so when we ran the
13 cameras back, you see them setting up their
14 phones and then engaging in it.

15 Q. And the reason they wanted to
16 do that is the hope to increase their
17 popularity?

18 A. To record it --

19 MR. KARP: Object to form.

20 MR. SEXTON: Calls for
21 speculation.

22 THE WITNESS: I believe the --

23 MR. INNES: Hang on a second,
24 which one of you guys is defending?

25 MR. KARP: Sure. We can agree

CONFIDENTIAL

Page 288

1 that an objection for one is an
2 objection for all?

3 MR. INNES: Yes.

4 MR. KARP: Object to the form.

5 MR. INNES: That's how we've
6 done it in the past.

7 MR. KARP: Sure.

8 THE WITNESS: I believe -- I
9 forgot the question, I'm sorry.

10 BY MR. INNES:

11 Q. Yeah. That's fine. Let me
12 read it back to you.

13 A. Oh, the reason they wanted to
14 do that is to hopefully increase their
15 popularity. My assumption based on her
16 investigation, her being Mrs. Allen-Penn,
17 my assistant principal, that we know the
18 kids set up their cameras to record it and
19 to post it was to get likes and to share it
20 out.

21 Q. Was this the first experience
22 that the district has had with posts to
23 TikTok?

24 A. I won't speak for the
25 district --

CONFIDENTIAL

Page 289

1 MR. KARP: Object to form.

2 THE WITNESS: I won't speak to
3 the district, I can speak to
4 University Middle School. This is
5 not the first time.

6 BY MR. INNES:

7 Q. How many times in the past
8 have you at the middle school addressed
9 issues, disciplinary issues, related to the
10 use of social media?

11 A. Every day I deal with
12 something that relates to social media. If
13 it's not myself, my assistant principals,
14 my deans, my school counselors, and my
15 HSSC, I'm positive my teachers do as well,
16 but the majority of our discipline referral
17 forms that relate -- not relate -- that
18 correlate to OSS, ISS, BMR, HSP stem with
19 80 percent, if not more, an element of
20 social media that led us here.

21 Q. Do you believe that number
22 would go down if the social media companies
23 removed the feature like a like?

24 MR. KARP: Object to form.
25 Speculation. Lacks foundation.

CONFIDENTIAL

Page 290

1 THE WITNESS: I believe if
2 they removed features where you
3 could only post pictures, less
4 people would engage, because there
5 wouldn't be comments, which cause
6 fights. For example, I could be
7 talking -- you could post a picture
8 of you and your middle school
9 girlfriend at the time. I, being
10 jealous of the situation, say
11 something nasty about you in that
12 post. Your friend finds out about
13 it and now you're fighting over a
14 post and the likes and the comments
15 from this whole circle. And that's
16 a constant battle. So the answer
17 to your question, to go back to it,
18 I believe that if they didn't have
19 comments or features and it was
20 just a picture, we still have
21 incidents, but a lot less.

22 BY MR. INNES:

23 Q. You spoke with Mr. Karp a lot
24 about the ASP in 23-24.

25 A. Yes.

CONFIDENTIAL

Page 291

1 Q. Do you remember that?

2 A. I do remember that.

3 Q. Okay. And the topic of
4 absenteeism came up. Do you recall that as
5 well?

6 A. Yes.

7 Q. Okay. Is one factor that
8 contributes to school avoidance the use of
9 social media?

10 A. That is one of the factors.

11 Q. Okay. And could you describe
12 why you believe that the use of social
13 media contributes to school avoidance?

14 MR. KARP: Object to form.

15 THE WITNESS: Two -- I could
16 give two. I gave one in earlier
17 testimony how students are so
18 compelled to be on their phone at
19 nighttime, scroll through it, and
20 want to be in the know. So they're
21 not getting enough sleep and
22 they're not coming to school.
23 That's a fairly common thing where
24 they will arrive late to school,
25 we're getting better with coming

CONFIDENTIAL

Page 292

1 late, but they tell you, oh, I was
2 on this all night, I was on this
3 all night.

4 Another way social media
5 impacts chronic absenteeism is
6 fear to come to school because
7 you think based on all the
8 comments and, I guess, the
9 private messaging features that
10 they have where people are
11 charting certain students and
12 saying you come to school, I'm
13 going to do this to you because
14 you did this, and then most of
15 the time that kid had nothing to
16 do with it, they just commented
17 on a post and someone got mad at
18 it and it's a whole trickle down
19 effect, so they don't want to
20 come. The parents come in, the
21 parents come in irate, my child
22 is being bullied, they throw the
23 word, "bullying" around without
24 understanding the whole dynamics
25 of the word, and because they use

CONFIDENTIAL

Page 293

1 that word. now I have to get a
2 bullying specialist involved and
3 an investigation takes place and
4 we have to figure out how to get
5 their child to feel safe to come
6 to school. We do a whole bunch
7 of restorative practices. We
8 pull all the kids down.

9 The majority of the time,
10 I'm the last one of my leadership
11 team that would do that. It
12 would mainly be, my first line of
13 defense would be my school
14 counselors, HSSC, deans,
15 assistant principals, and then
16 myself, but we are constantly all
17 day being pulled in directions
18 for examples like that, those.

19 BY MR. INNES:

20 Q. And the examples you gave,
21 students have told you or your staff that
22 they are late to school or don't attend
23 school because they have been on social
24 media all night?

25 MR. KARP: Object to form.

CONFIDENTIAL

Page 294

1 THE WITNESS: I've had
2 conversations with some students.
3 Mr. Byock would have had more.
4 He's the attendance dean. So the
5 late arrival, part of his
6 conversation is to figure out fact
7 finding, so he has a lot of those
8 conversations with kids. He brings
9 them to the APs, the guidance
10 counselors, for further evaluation
11 and assistance. Assistance is
12 better than evaluation, but he has
13 the majority of that, because it's,
14 like, a chain of command and it
15 just gets passed up.

16 So let's say it's just
17 social media, maybe we just pass
18 them to the grade-level school
19 counselor and they can talk about
20 better strategies. If it's
21 deeper, like I don't want to come
22 to school because I feel like,
23 you know, I'm on social media,
24 because these kids are going to
25 do X, Y, and Z to me, it goes

CONFIDENTIAL

Page 295

1 automatically to a dean. Now,
2 the dean looks at the things when
3 the child gives it to them or the
4 parent gives them the messages
5 and an investigation takes place
6 and then kids are constantly
7 being called out of instruction
8 to have these meetings.

9 BY MR. INNES:

10 Q. And the time away from
11 instruction to investigate these incidents
12 that arise through social media, does that
13 negatively impact their mental health?

14 A. It's just like them not being
15 at school, because now they're being pulled
16 out of instruction. It's not that we can
17 wait, oh, and I'm not trying to relegate
18 saying PE is not important, but it's not
19 that I can say, oh, we'll wait to talk to
20 them until they have PE or a different
21 elective. Most of these matters, we need
22 to be able to deal with it at the moment,
23 so you have ELA and math, which we saw from
24 the data presented to us, is an area we
25 need to grow in, we're still pulling them,

CONFIDENTIAL

Page 296

1 because they can't focus on ELA and math,
2 but we are taking them out. So it's just
3 like them not being at school.

4 Q. So your investigation into
5 instances arising with social media has a
6 negative impact on your ability to meet the
7 state standards to pull your schools out of
8 status; is that correct?

9 MR. KARP: Object to form.
10 Lacks foundation. Assumes facts.

11 THE WITNESS: In my opinion,
12 based on the numerous daily
13 meetings I have, yes, I could make
14 that direct correlation, because
15 just like the state makes a
16 correlation, time out of school,
17 lower academics. There's a whole
18 by fifth grade, this by this. Yes,
19 they're technically in school, but
20 they're not in school, because
21 they're in the main office, they're
22 in the dean's office and these
23 investigations could be as quick as
24 I'm calling you down for five
25 minutes or you're down there for

CONFIDENTIAL

Page 297

1 maybe two to three hours as we're
2 finding. And then when we find
3 out, because we're dealing with
4 children, not Irvington children,
5 we are dealing with Irvington
6 children, but children by nature,
7 especially middle school kids, are
8 not always truthful in their
9 initial statements and then as you
10 fact find and do more
11 investigation, I'm calling you back
12 down. And now I have to pull you
13 out of another class, because I
14 found out you misled me and I have
15 to investigate this so we can get
16 to the bottom of it. So a lot of
17 times, it's being pulled out of
18 instruction.

19 BY MR. INNES:

20 Q. You referenced a chain of
21 command.

22 A. Yup.

23 Q. Where do you fall within the
24 chain of command?

25 A. I'm the principal, so I'm the

CONFIDENTIAL

Page 298

1 top. I get major infractions. My main
2 focus is academics. I'm mainly in the
3 classroom supporting teachers with how
4 to -- better teaching practices, you know,
5 purely academic.

6 When I'm called out, it's
7 because all the other ones are slammed with
8 something and I'm next up. I get called
9 down -- I have specific parent meetings set
10 up, but I have a system in place where my
11 deans and my school counselors are the
12 first line when these matters come up, then
13 my assistant principals, and then myself.
14 So I'm, like, I'm not saying they're not
15 all major, because depending on how you
16 look at it, but I'm, like, major
17 infractions or I'm the last resort because
18 everyone else is tied up. And it happens
19 more than you think where I can't be in the
20 classrooms because I'm downstairs dealing
21 with matters.

22 Q. All right. How many deans do
23 you currently have?

24 A. I have two deans.

25 Q. And how many school

CONFIDENTIAL

Page 299

1 counselors do you currently have?

2 A. Four.

3 Q. How many assistant
4 principals?

5 A. Two.

6 Q. Has your -- have those
7 staffing numbers been the same over your
8 entire time period?

9 A. No.

10 Q. How have they changed?

11 A. When I started, there was
12 three assistant principals and one dean,
13 three school counselors. They reduced the
14 district, the district reduced one
15 assistant principal in my building, but I
16 was able to, in my school budget meeting
17 with the superintendent's office and her
18 cabinet, petition for the need for a fourth
19 school counselor and a dean so that my APs
20 and I can get into the classrooms more, so
21 that chain of command I just described, I
22 have more people on the ground dealing with
23 those matters so that I can actually do the
24 job I was hired for. Yes, part of my job
25 is to talk to children, which I could

CONFIDENTIAL

Page 300

1 daily, but my main focus is to talk to
2 children in the classroom, educate adults
3 on how to do best practices, model
4 instruction. I'm the lead educational
5 leader -- educational teacher leader in the
6 building. And based on all the discipline
7 referral forms and my accounts of my day to
8 day and she's been in the building, which
9 is right around the corner, she knew that
10 we needed that. It has been amazing, in my
11 opinion, having these extra staff, because
12 as I told you a little earlier, I'm still
13 tied up, but if I didn't have these extra
14 staff, I would be even more tied up as the
15 principal. But my deans, they spend about,
16 not taking their lunch duty that they do,
17 they spend most of their day with matters
18 of social media at one point or another.

19 Q. Thank you. You'll recall
20 also discussing with Mr. Karp a
21 professional assessment of Ms. Ganthier?

22 A. Ms. Ganthier, yeah.

23 Q. Ganthier. Okay.

24 A. I can go back to that
25 document you're referring to?

CONFIDENTIAL

Page 301

1 Q. Sure.

2 A. Where is it? I got it.

3 Q. And I'm just going to direct
4 your attention to the third -- second --
5 well, it's the page number ending in 322.

6 A. Okay.

7 Q. Okay. So are you aware that
8 Facebook is a Defendant in this case?

9 A. I am.

10 Q. Okay. Are you aware that
11 SnapChat is a Defendant in this case?

12 A. I am.

13 Q. Are you aware that Instagram
14 is a Defendant in this case?

15 A. I am.

16 Q. Okay. It says at the middle
17 of the page, 9:40 a.m., and, again, this is
18 something you wrote, right?

19 A. This is what I wrote based on
20 what the HSSC was doing at the time, yes.

21 Q. Okay. So HSSC, who is Ms.
22 Ganthier?

23 A. Yes.

24 Q. "Tells class that she is not
25 surprised with all of the examples of

CONFIDENTIAL

Page 302

1 social media that they know. She then asks
2 the class to discuss with their elbow
3 partner the dangers of social media."

4 Do you see that?

5 A. Yes, I do.

6 Q. Okay. So Irvington Public
7 Schools is taking valuable instruction time
8 to teach their students about or scholars
9 about the dangers of social media; is that
10 correct?

11 MR. KARP: Object to form.

12 THE WITNESS: That is correct.

13 BY MR. INNES:

14 Q. Okay. And they're
15 teaching -- you're teaching the scholars
16 about the dangers of social media
17 presumably because they didn't know about
18 the dangers of social media; is that
19 correct?

20 MR. KARP: Object to form.

21 Assumes facts. Lacks foundation.

22 BY MR. INNES:

23 Q. I'll withdraw the question.
24 Let me ask it this way. Why is
25 Ms. Ganthier taking valuable time to teach

CONFIDENTIAL

Page 303

1 students about the dangers of social media?

2 MR. KARP: Object to form.

3 Calls for speculation.

4 THE WITNESS: So my
5 understanding as assistant
6 principal is part of her role as
7 the HSSC, it's part of -- it's one
8 of her many components of her job
9 to go in the classroom and do a
10 presentation based on what the
11 principal at the time, which was
12 not me, deemed important concerns
13 in his school, one of them being
14 social media, which I'm aware of,
15 because I was the assistant
16 principal at that time. And that
17 is what he tasked Ms. Ganthier and
18 he also had three school
19 counselors. So, yes, to answer
20 your question, based on Mr. Pierre
21 who was the principal at the time,
22 he wanted his school counselors and
23 HSSCs to educate our scholars about
24 their use of social media and the
25 dangers that they're not aware of.

CONFIDENTIAL

Page 304

1 While they see, part of it was,
2 like, as they see they're doing it,
3 do they realize that this is
4 forever and that was the
5 conversation and we're still having
6 that conversation that that is your
7 footprint forever. It's out there.
8 Just because you think you deleted
9 it, someone could have had a
10 picture of it, it's there forever
11 once you post it, and that was part
12 of the narrative we wanted them to
13 understand. You guys think you're
14 being funny. You guys think this
15 is harmless, but it's not.

16 BY MR. INNES:

17 Q. And this is the New Jersey
18 Department of Education standards for
19 instruction direct the Irvington Public
20 Schools to teach about technology and the
21 worldwide web, so to speak?

22 MR. KARP: Object to form.

23 THE WITNESS: Yes, technology
24 is part of New Jersey curriculum.
25 So the use of -- the safe use -- I

CONFIDENTIAL

Page 305

1 know I'm butchering it, the safe
2 use of technology.

3 BY MR. INNES:

4 Q. Is mandated by the state of
5 New Jersey?

6 A. Uh-huh.

7 Q. In your experience in
8 Irvington Public Schools, why would a
9 scholar post a nude image?

10 MR. KARP: Object to form.
11 Calls for speculation.

12 THE WITNESS: Based on my
13 experience of dealing with issues
14 of students posting inappropriate
15 photos, there's a lot of reasons
16 why. I'll give you a couple based
17 on conversations. I can't
18 specifically speak back to this
19 particular matter, because it was
20 2015, but of my understanding as
21 assistant principal and principal
22 and dealing with these matters for
23 so many years, they do it for
24 several reasons. One, body images.
25 They put it out there to see if

CONFIDENTIAL

Page 306

1 they are really what they think
2 they are or maybe they're not.

3 So to elaborate, I had a
4 young lady who would post
5 pictures of herself, not
6 completely naked, but the
7 under -- her underbreast would be
8 showing and her abdominal, she
9 would do her makeup, and she just
10 didn't think she was a pretty
11 young lady. And she would post
12 it and she would even comment,
13 like, look at this fat heifer and
14 stuff like that, talking about
15 herself in a negative way. And
16 then she would get comments on
17 it, oh, you're beautiful. Oh,
18 you're this, but then you would
19 also get the flip, like, yeah,
20 you are, you need to go to,
21 like -- so she did it for self --
22 based on the conversations I've
23 had with her and the school
24 counselor, more the school
25 counselor, because they could

CONFIDENTIAL

Page 307

1 assess this matter more than me,
2 so this is them explaining it to
3 me as I'm listening, she did it
4 because she was reaching out,
5 because she had body image
6 concerns. So I've had that
7 experience. So she's looking for
8 people to validate her through
9 comments and likes and all that
10 stuff. And, unfortunately, she
11 also got the other end where she
12 didn't get validated and she
13 found out -- not found out, but
14 kids were being mean.

15 I've had people post naked
16 pictures as revenge of their
17 ex-boyfriend and girlfriends and,
18 unfortunately, once it's
19 officially, like, a naked picture
20 of a student, I don't have access
21 to that, because then it's a
22 whole chain-of-command thing.
23 The police get involved. It's a
24 whole investigation. The phone
25 gets taken. They do what they

CONFIDENTIAL

Page 308

1 need to do. They tell me yes or
2 no, it was there, because I'm
3 assuming it's there, because I
4 can't look at it. The moment I
5 look at it, I get brought in. So
6 when that happens, most of the
7 time, it's there and we find out
8 through investigation, they do it
9 to get back at someone or I used
10 to date you for two weeks ago and
11 you did this to me and this is me
12 putting up there and then they
13 get a whole bunch of laughs and
14 other stuff. They're trying to
15 make their ex-boyfriend or friend
16 mortified by all the comments and
17 statements said about them.

18 And some people do it for
19 fun. They think it's -- they
20 don't understand that it's
21 dangerous. As I said a little
22 bit earlier, this sticks with you
23 forever. Someone is going to
24 screenshot that and,
25 unfortunately, it could go to

CONFIDENTIAL

Page 309

1 some, you know, they can go to
2 people who really shouldn't have
3 access to that, so.

4 BY MR. INNES:

5 Q. You were asked earlier if --
6 strike that.

7 You were asked earlier if
8 students in your school share information
9 about via text.

10 Do you recall that?

11 A. I do.

12 Q. You also were asked
13 information about whether they share
14 information by AirDrop?

15 A. Uh-huh.

16 Q. Based on your experience,
17 what's the most common way that students
18 share information?

19 MR. KARP: Object to form.

20 THE WITNESS: Based on the
21 investigations myself and my team
22 do, most of it would be private
23 messages or on a page where you can
24 list comments. Most of them aren't
25 cell phones. The reason that is in

CONFIDENTIAL

Page 310

1 this day and age is because text
2 message based on my experience can
3 be easily -- much more easily
4 monitored. You can't hide your
5 text messages. Most parents have
6 access to their child's phone or
7 they tell you they do. And they
8 go, it's not my child, and then you
9 found out that their child has a
10 whole secret life going on because
11 they're making secret accounts. So
12 you think you're monitoring your
13 child's Instagram or SnapChat, but
14 they have other accounts that
15 there's real accounts and that's
16 where a lot of stuff is happening,
17 you see comments and you see --
18 what's that feature where you tag,
19 you tag someone and did you see
20 this about Michael, did you see
21 this, and it's just a growing
22 problem.

23 I've had experience with
24 AirDrop, but it's not that common
25 and the reason why it's not that

CONFIDENTIAL

Page 311

1 common, because kids have figured
2 out a lot of adults forget to put
3 their things on AirDrop and they
4 don't want us to know right away,
5 so I've received maybe a handful
6 of AirDrops in my career here,
7 but most kids have realized we're
8 not doing that, because we don't
9 want the adults to find out.

10 BY MR. INNES:

11 Q. Okay. Do you recall Mr. Karp
12 asking you questions about a performance
13 evaluation that you did, you can either
14 refer to it or not, I don't think you're
15 going to need to.

16 A. Okay.

17 Q. But it involved -- well,
18 let's, actually, let's get it out, let's go
19 to Exhibit 6, and it's the Bates number
20 ending in 3430 is the page number.

21 A. Okay. It's there.

22 Q. And this is where you
23 described an observation in the room where
24 the teacher had referenced Instagram in a
25 posting on -- or, I'm sorry, an exhibit on

CONFIDENTIAL

Page 312

1 the wall; is that correct?

2 A. Yes.

3 Q. Were they actually using the
4 Instagram app in that classroom?

5 A. Not at all.

6 Q. In fact, that lesson was
7 about teaching them how to use Instagram
8 correct; is that right?

9 A. Yes, as I spoke earlier, and
10 it's even in this document where I put
11 Instagram in quotes to make it notable to
12 whoever read it in admin. I never knew we
13 would be here today reading it in front of
14 a group of lawyers, that it wasn't really
15 Instagram, it was the logo, I think, it's
16 the camera at the time, it was whatever the
17 camera was, the Instagram logo, and it was
18 showcasing positive images being done in
19 the classroom to change the mindset that
20 this is what it was designed for and this
21 is where you guys need to start using it
22 and then she could reference it as this is
23 what you're supposed to do on your social
24 media platform. You're supposed to talk
25 about family, your trips, and stuff like,

CONFIDENTIAL

Page 313

1 not to do what you guys have been doing,
2 because as I mentioned earlier, this was
3 the time where we noticed a huge uptick in
4 the use of social media, I believe, because
5 more kids had access to phones. It just
6 started becoming the norm around 2016,
7 2017, that was the trend, we noticed that
8 kids had phones, but now more and more and
9 more kids were having phones. And with
10 getting phones, they had access to all
11 these platforms that no one ever told them
12 how to use properly, except for the
13 teachers, and sometimes you don't want to
14 listen to just your teacher, so they used
15 it creatively, as any child would when you
16 put something in their hand, they're going
17 to use it how they want to use it.

18 Q. And you said they were
19 getting phones and they had access to these
20 platforms. By the platforms, are you
21 referring to the Defendants' platforms?

22 A. I'm talking to --

23 MR. KARP: Object to form.

24 THE WITNESS: -- in the, I
25 think it was referenced, there was

CONFIDENTIAL

Page 314

1 a whole -- there was one point
2 today where we referenced all the
3 platforms, Ms. Ganthier's, so this
4 is two years after that, so those
5 were the platforms I'm talking
6 about, so. There was about five or
7 six platforms in that and three of
8 them are the Defendants.

9 BY MR. INNES:

10 Q. Okay. And when you say, "no
11 one ever told them how to use them
12 properly," when you say "them," who are
13 you -- I'm sorry?

14 A. I'm talking the person, when
15 I meant them, I'm talking about the
16 Defendants, Twitter, all of those
17 companies, social media platforms.

18 Q. Okay. So the Defendants
19 never taught the scholars how to
20 properly --

21 A. They might have --

22 MR. KARP: Object to form.

23 THE WITNESS: If I'm
24 remembering my account creation,
25 maybe there was, you know, this is

CONFIDENTIAL

Page 315

1 what you're supposed to do, but,
2 obviously, you could bypass it if
3 it was an age restriction because
4 children have it and there was
5 never commercials or
6 advertisements, to my knowledge,
7 pushed to students on how to use
8 platforms properly. If there was,
9 I don't think a lot of parents
10 would have even allowed their
11 children to download these, in my
12 opinion.

13 BY MR. INNES:

14 Q. I mean, the reality is that
15 the scholars weren't going to get off
16 Instagram, so you were going to try to
17 teach them --

18 A. Safe practices.

19 MR. KARP: Object to form.
20 Please just let me get my
21 objection --

22 THE WITNESS: Absolutely,
23 sorry.

24 BY MR. INNES:

25 Q. And so through this class,

CONFIDENTIAL

Page 316

1 the school district is, at least your
2 school, is attempting to deal with that
3 reality, right?

4 MR. KARP: Object to form.

5 THE WITNESS: Yes, this was at
6 Union Avenue Middle School.

7 BY MR. INNES:

8 Q. Okay. And you're taking time
9 out of the instructional day to teach your
10 scholars about the ways in which to use
11 Instagram?

12 A. Yes, time was taken out of
13 instruction for HSSCs and school counselors
14 to go into classrooms, yes.

15 Q. At this point in time, is it
16 your belief that when this class is
17 happening that the -- that Instagram had
18 adequately conveyed the potential harms of
19 its platform to the scholars?

20 MR. KARP: Object to the form.

21 THE WITNESS: I don't think it
22 was conveyed.

23 MR. KARP: Object only to the
24 extent there was no question
25 pending.

CONFIDENTIAL

Page 317

1 BY MR. INNES:

2 Q. I think there was. So as
3 part of your -- the New Jersey curriculum,
4 you teach about safe online --

5 A. Safe use of technology.

6 Q. Safe use of technology, thank
7 you. So when building the curriculum for
8 the safe use of technology, did you ever
9 find documents from the Defendants in this
10 case describing how young people should use
11 their platforms to be safe online?

12 MR. KARP: Object to form.

13 THE WITNESS: I did not and
14 the young lady I mentioned earlier
15 who did the evaluation with me that
16 we're referencing was the
17 technology director for the
18 district at the time and she didn't
19 provide any documents to supplement
20 the curriculum from the Defendants.

21 BY MR. INNES:

22 Q. Mr. Karp asked you some
23 questions about relating to social
24 injustice.

25 A. Uh-huh.

CONFIDENTIAL

Page 318

1 Q. How, if at all, does social
2 media play a role in social injustice in
3 the Irvington school community?

4 MR. KARP: Object to form.

5 THE WITNESS: Say the question
6 one more time, I'm sorry.

7 BY MR. INNES:

8 Q. Certainly. So how, if at
9 all, does social media relate to social
10 injustice in Irvington?

11 MR. KARP: Object to form.

12 Assumes facts. Lacks foundation.

13 THE WITNESS: I can give two
14 examples of social injustice, one
15 being a narrative on social media
16 of Irvington and, unfortunately, it
17 is usually the negative of when --
18 yes, I don't live here, I live
19 right next door, but this is where
20 I spent the majority of my career
21 and social media platforms paint
22 Irvington in a bad light, because
23 you have access to students posting
24 inappropriate things with the
25 hashtag Irvington or our school

CONFIDENTIAL

Page 319

1 names on it and it just gives a bad
2 look that this is a bad environment
3 and, unfortunately, the stigma
4 attached, because this is a
5 predominantly black and Hispanic
6 and migrant population, that it
7 paints that negative picture. This
8 is what that population does when
9 it's far from the truth, in my
10 opinion. It just paints a really
11 bad picture of Irvington, which is
12 polar opposite, in my opinion. And
13 then -- go ahead.

14 BY MR. INNES:

15 Q. Go ahead.

16 A. And then the second one, our
17 students, unfortunately, don't understand
18 the severity of posts they put when they
19 comment about skin color. I've had
20 numerous parents come in that their child
21 is being bullied and this is a social
22 injustice because their child just happens
23 to be a darker shade of black than another
24 kid and they're making fun of him and
25 they're posting pictures and kids are

CONFIDENTIAL

Page 320

1 talking about him. So, in my eyes, that's
2 a form of social injustice that this child
3 has to suffer and it's not just one child,
4 it happens more than you think, because
5 kids think they're being funny. Because,
6 oh, I'm just joking with my friend. It's
7 not funny, and there's more education that
8 needs to happen about self-perpetrated
9 social injustice that our kids aren't
10 realizing that they're doing. But these
11 platforms make it so much easier to do it
12 because I'm just being funny with my
13 friend, it wasn't a big deal. And now
14 there's all these comments about this kid
15 and now we have to have the HSSC get
16 involved, because this child is sad that
17 there's nothing they can do about their
18 skin color and everyone is making fun of
19 them. Their self-worth is diminished and
20 we have to show them positive images of
21 other people and how you should own who you
22 are. And there's a lot of conversation and
23 these are -- become good conversations, but
24 they start off bad at all times. So we can
25 always take something bad and turn it to

CONFIDENTIAL

Page 321

1 good, but it's more bad happening. And
2 then we're just -- I wish we could be more
3 proactive. I wish there was more
4 information put out there for the kids to
5 realize the dangers of things they put out
6 there rather than being reactive. So we
7 react to things. We find ways to help
8 these kids get through these barriers and
9 positivity and understanding where they
10 come from matters, what they look like
11 matters, their ethnicity, their background,
12 but we do do that on our own, but when it
13 comes up in this isolated -- isolated in
14 the context of being posted on social media
15 where they're constantly being targeted
16 just for, and that's just one example, a
17 different shade of skin color.

18 Q. You're familiar with
19 Instagram, right?

20 A. A hundred percent.

21 Q. And you're familiar with the
22 button on Instagram posts, it looks like a
23 heart?

24 A. Yeah.

25 Q. Okay. When you're talking

CONFIDENTIAL

Page 322

1 about this perpetuation of the negative
2 posting or seeking popularity, in your
3 experience in your investigations with
4 students, do you believe that that feature,
5 the heart, perpetuates the harms?

6 MR. KARP: Object to form.
7 Calls for speculation. Lacks
8 foundation. Assumes facts.

9 THE WITNESS: In my opinion,
10 based on my job and my daily
11 interaction with this, that heart a
12 hundred percent does and I'm going
13 to tell you why. Because deeper
14 than the heart is you can click it
15 open and see who liked it. And
16 then once you see who liked it and
17 now there's a whole list of people
18 that I'm going to have a problem
19 with because why did you like that
20 picture of my best friend getting
21 beat up yesterday. So now there's
22 a whole list of people that these
23 students have that I don't like
24 anymore and I'm going to cause
25 problems. So that like is not just

CONFIDENTIAL

Page 323

1 a like, it's a list of every single
2 person who liked it and then you
3 find out that your best friend
4 liked your other best friend
5 getting beat up and then you have
6 drama. So those likes are
7 extremely dangerous and that is one
8 of the main reasons we have
9 problems every day. The other are
10 the comments.

11 BY MR. INNES:

12 Q. The comments?

13 A. The comments.

14 Q. Can you explain --

15 A. Yeah, because if they don't
16 have accounts where the comments aren't
17 there, because you can have that feature,
18 but if you don't know that, you don't know
19 that. Some kids -- most people want that
20 feature, because we know they want that
21 instant gratification. So they comment,
22 they tag, the tag-in in the comments causes
23 more issues because it's just like the
24 like, I don't have to do an investigation
25 because now it's on my phone. I know that

CONFIDENTIAL

Page 324

1 you liked it -- I know that you know about
2 it, because I just tagged you in it, and
3 that causes more issues. Oh, you knew
4 about this and you didn't tell me.

5 So it's just constant and
6 then, unfortunately, middle school kids,
7 regardless, Irvington or not, it could be
8 California, Texas, it doesn't matter,
9 middle school kids are learning to process
10 and having all these extra devices that
11 they don't know how to use properly just
12 add to the growing problem that middle
13 school kids face every single day across
14 the country, probably the world, but I'll
15 focus on America, that they deal with every
16 single day.

17 Q. Why do you think -- you say
18 that they don't know how to use them
19 properly, why do you think that is?

20 MR. KARP: Object to form.

21 THE WITNESS: I don't base --
22 I'm just -- a few conversations,
23 you create the account. You see
24 what other people do. You follow
25 along. They're children. They're

CONFIDENTIAL

Page 325

1 impressionable. They see things.
2 They see celebrities making
3 accounts. They see people they
4 like making accounts. Oh, maybe
5 one day I could be a social media
6 influencer. If I get these likes,
7 maybe, and I wouldn't say that's
8 the majority of my kids, but that's
9 a nice percentage where they feel
10 like, I could be this one day and,
11 and, yes, you could, but you've got
12 to figure out how to use it, but
13 they're also not told explicitly,
14 like, don't use it to attack other
15 people verbally, because it's
16 verbal and then it turns into
17 physical, unfortunately, and
18 bullying, harassment. But they're
19 not educated, other than the
20 school, that has to take time to do
21 it and, yes, their parents might do
22 it, but when they see adults,
23 similar age to their parents, and
24 they see their pages, these adults
25 are doing it, so.

CONFIDENTIAL

Page 326

1 BY MR. INNES:

2 Q. It's interesting you say
3 that. So the adults are doing it. You
4 testified earlier that you have social
5 media accounts.

6 A. Yeah.

7 Q. Do you believe that you were
8 adequately warned about the harms that can
9 be caused by these apps?

10 MR. KARP: Object to form.

11 THE WITNESS: Was I initially
12 adequately warned? No. Did I
13 learn as I got older? Yes. I
14 could tell you I would be mortified
15 of some of my earlier posts as a
16 college student using Facebook.
17 Because I didn't understand that
18 my -- what I posted on there and
19 I'm in college, I'm a college
20 student, I haven't graduated yet,
21 but I'm a college student equating
22 to a middle school student right
23 now, I didn't understand the danger
24 of what I put out there on social
25 media when it first came, because

CONFIDENTIAL

Page 327

1 it was explicitly advertised at the
2 time to college students. I did
3 not know what I put out there lasts
4 forever, because it was not taught
5 to me.

6 BY MR. INNES:

7 Q. Who would have been in the
8 best position to teach that to you?

9 MR. KARP: Object to form.
10 Calls for speculation.

11 THE WITNESS: I believe, me in
12 particular, since Facebook --
13 Facebook at the time, it's Meta
14 now, Facebook at the time heavily
15 pushed to colleges and universities
16 and put certain ones on a wait list
17 before they could get this Facebook
18 app. They should have come to
19 campuses and advertised more about
20 your social media footprint. That
21 never happened, to my recollection.
22 I got access to it and it became us
23 talking about, you know, talking to
24 each other, putting photos up that
25 I regret being up there. I deleted

CONFIDENTIAL

Page 328

1 them when I was, you know, when I
2 got a little older, but as I tell
3 the kids, it's probably out there.
4 If I ever ran for president or
5 governor, I'm pretty sure someone
6 is going to pull it up one day, and
7 that's what I tell the kids, you
8 never know when you're going to get
9 older, and social media imprint,
10 but I was 19, 20 years old, and I
11 had no idea how to use Facebook and
12 I was accepted into college.

13 BY MR. INNES:

14 Q. You live in Irvington?

15 A. I live in Newark.

16 Q. Newark. And Newark is --

17 A. Next door.

18 Q. How far away?

19 A. I can get to my house in ten
20 minutes.

21 Q. How would you describe Newark
22 as compared to Irvington, similar
23 communities?

24 A. Similar community, but much
25 bigger, it's much bigger.

CONFIDENTIAL

Page 329

1 Q. All right. And the folks
2 that are the parents of your scholars --

3 A. Uh-huh.

4 Q. -- they're more or less close
5 to your age or generation; is that right?

6 MR. KARP: Object to form.

7 THE WITNESS: Sadly, they are,
8 yeah. No, I'm thinking about it.

9 Yeah, when I started, no, now, yes.

10 BY MR. INNES:

11 Q. Right. And your testimony
12 was you didn't understand as a young adult
13 the potential harms of social media, right?

14 MR. KARP: Object to form.

15 THE WITNESS: No.

16 BY MR. INNES:

17 Q. And because you didn't
18 understand the potential harms of social
19 media, you couldn't educate your children
20 about potential harms of social media?

21 MR. KARP: Object to form.

22 THE WITNESS: My correlation
23 was similar to that, but --

24 BY MR. INNES:

25 Q. Well, let me strike that.

CONFIDENTIAL

Page 330

1 You weren't given
2 information by the Defendants on how to
3 educate your children about the harms of
4 social media?

5 A. No, I was not.

6 Q. Much like the parents of your
7 scholars weren't educated by social media
8 about the harms, correct?

9 MR. KARP: Object to form.
10 Lacks foundation. Assumes facts.

11 THE WITNESS: No, they were
12 not.

13 BY MR. INNES:

14 Q. And one of the reasons why
15 you take time away from classroom
16 instruction to instruct your or to teach
17 your scholars about the potential harms of
18 social media is because they don't get that
19 instruction at home, correct?

20 MR. KARP: Object to form.

21 THE WITNESS: The majority of
22 them don't get it to the extent
23 that we provide it to them.

24 MR. INNES: Pass the witness.

25 MR. SEXTON: Can I take a

CONFIDENTIAL

Page 331

1 break before --

2 MR. KARP: Yeah, we would like
3 to take a quick break.

4 MR. INNES: Yeah, sure.

5 THE VIDEOGRAPHER: The time
6 right now is 5:20 p.m. We are off
7 the record.

8 - - - - -

9 (A recess was taken at this time.)

10 - - - - -

11 THE VIDEOGRAPHER: The time
12 right now is 5:47 p.m. We are back
13 on the record.

14 MR. INNES: So just a quick
15 statement, so after about four and
16 a half hours of questioning,
17 Plaintiffs did about 43 minutes, 48
18 minutes of their own questioning.
19 We have been off the record for
20 over 25 minutes. It seems a little
21 excessive for something this late
22 in the day and that much
23 questioning and that little amount
24 of cross-examination, but the
25 witness is yours.

CONFIDENTIAL

Page 332

1 BY MR. KARP:

2 Q. I appreciate that statement.
3 Briefly in response, as you know, there are
4 a number of Defendants in this case, and,
5 surely, we were utilizing that time in the
6 interest of efficiency and to streamline
7 some of the questioning that I'll be
8 proceeding with now. We appreciate the
9 break.

10 Mr. Bussacco, you have been
11 here a while and I'm going to try to get
12 you out of here as quickly as I can and
13 I'll reiterate that we appreciate your time
14 today, so thank you.

15 A. No problem.

16 Q. You mentioned in response to
17 a number of the questions that your counsel
18 asked that you have negative opinions of
19 social media platforms; is that accurate?

20 A. I have negative and positive,
21 absolutely.

22 Q. Okay. What are those
23 positive opinions?

24 A. Positive opinions of social
25 media?

CONFIDENTIAL

Page 333

1 Q. Yeah.

2 A. You can use it to advertise
3 events, change the narrative of your school
4 by posting more positive stuff. I can --
5 you can use it to showcase positive things
6 happening in the world, your life, so
7 there's ways that you can use social media
8 effectively, absolutely.

9 Q. Earlier today, I asked you
10 some questions about a lesson that one of
11 your teachers was doing in which she
12 featured Instagram posters. Do you
13 remember that?

14 A. Ms. Mathias.

15 Q. Ms. Mathias, yes.

16 A. Uh-huh.

17 Q. And your counsel asked you a
18 few follow-up questions about that lesson.

19 A. I remember them.

20 Q. The reason that Ms. Mathias
21 did that lesson is that she recognized that
22 there was a positive and productive way to
23 use social media, right?

24 MR. INNES: Objection.

25 Misstates prior testimony. Calls

CONFIDENTIAL

Page 334

1 for speculation. Lack of
2 foundation.

3 THE WITNESS: So the question
4 is Ms. Mathias utilized the concept
5 of Instagram to make it positive,
6 am I saying it correctly what
7 you're saying? I'm sorry.

8 BY MR. KARP:

9 Q. I'll rephrase the question.
10 Sure. You testified earlier that Ms.
11 Mathias and her team had made a decision to
12 intentionally teach kids about the positive
13 use of Instagram and to try to change the
14 narrative.

15 Do you remember that
16 testimony?

17 A. I do.

18 Q. Okay. And that is an
19 acknowledgment and recognition from the
20 school that there is a safe and positive
21 and productive way to use Instagram, right?

22 MR. INNES: Objection.

23 THE WITNESS: If taught.

24 BY MR. KARP:

25 Q. Sure.

CONFIDENTIAL

Page 335

1 MR. SEXTON: I'm sorry, I
2 didn't hear your answer.

3 THE WITNESS: If taught.

4 BY MR. KARP:

5 Q. You mentioned having negative
6 and positive opinions of social media. Do
7 you remember that?

8 A. Yup.

9 Q. For how long have you held
10 these negative opinions of social media?

11 MR. INNES: Objection.

12 THE WITNESS: I wouldn't say I
13 hold negative opinions about it,
14 it's more of I get to live it on a
15 day-to-day basis working with
16 children. So I would say once
17 we've -- I've realized -- well,
18 we're talking about me, once I
19 realized the harms of social media
20 and how quickly it can escalate, I
21 saw the negative impacts of it, but
22 I also acknowledge publicly
23 recording that there are positives
24 if done correctly and educated.

25

CONFIDENTIAL

Page 336

1 BY MR. KARP:

2 Q. Have you shared these
3 concerns and these thoughts about social
4 media with parents of the students in your
5 school?

6 A. A hundred percent.

7 Q. And in what form would those
8 communications have taken?

9 A. Going back to a previous
10 question you asked me from Ms. Gail Rosen,
11 I was preparing for an orientation and a
12 block party, so that was part of my
13 presentation. There's a PowerPoint --
14 excuse me -- that I do every year for
15 parents come in, specifically incoming
16 sixth-grade parents, to talk about these
17 are social media platforms, this is what,
18 you know, we're asking you to help us out,
19 because it's supposed to be a community
20 partnership, so I do my best to educate the
21 few amount of parents that do come, so
22 that's part of that.

23 And it's also embedded into
24 the eighth-grade curriculum for my scholars
25 based on the department of education. But

CONFIDENTIAL

Page 337

1 me specifically, I send out -- I do a
2 presentation. We do PTA events where we
3 talk about how we can assist our children,
4 how to better use platforms. So we do that
5 as a school.

6 Q. As part of the presentation
7 that you just described as part of that
8 sixth-grade orientation, you said that you
9 enlisted the -- one thing you presented on
10 was enlisting the assistance of parents in
11 helping their students understand how to
12 use social media?

13 A. To create a partnership.

14 Q. Okay. You agree in that
15 respect that parents have a role in
16 monitoring how their children use cell
17 phones and use social media, correct?

18 A. I do, and that's why I took
19 it upon myself to educate them because a
20 lot of our parents don't know these is what
21 we're finding out, because they also had
22 similar stories to me where they were using
23 social media as a younger person and didn't
24 know.

25 Q. You also mentioned that

CONFIDENTIAL

Page 338

1 social media instruction is mandated by the
2 state for eighth graders, did I hear you
3 correctly?

4 A. Not social media, but back to
5 the question from both of you, more of
6 proper use of technology. Social media
7 falls under a second umbrella, but it's not
8 the curriculum, it's proper use of
9 technology in this day and age, 21st
10 century skills.

11 Q. Understood. So that
12 curriculum is not a choice that any school
13 and IPS is making, it is a must, a
14 requirement that is coming from the state
15 of New Jersey?

16 A. Yes. They provide a basic
17 kind of elevation we talked about where the
18 district provides the plan and the school
19 elevates it. So the state provides the
20 floor plan and we elevate it. Mr. Amberg
21 has done a fantastic job at putting more
22 relevant topics specifically on social
23 media and how to educate our staff to
24 educate our students.

25 Q. In response to your counsel's

CONFIDENTIAL

Page 339

1 questions, you provided some testimony
2 about likes and comments on social media
3 platforms, do you recall?

4 A. I recall.

5 Q. Have you reached out to any
6 of those social media platforms to express
7 your concerns about the like and comment
8 features?

9 A. I have reached out to my
10 direct supervisor at points, she's no
11 longer in the district, and she has told us
12 that she has reached out, I can't confirm
13 or deny she did it, but she told me, so I
14 took her at her word that she reached out
15 to try to get certain pages removed to
16 Instagram specifically, because some of our
17 students use Instagram to make fight pages
18 and they tag the school in it, which goes
19 back to an earlier statement I said about
20 the negative impact being put up on
21 Instagram, YouTube of Irvington and, in
22 particular, my school.

23 Q. Sure. And who was your
24 direct supervisor?

25 A. At that time that what I'm

CONFIDENTIAL

Page 340

1 talking about, her name is Dr. -- not Anna,
2 I'm sorry, Dr. McCleod, M-C-C-L-E-O-D. And
3 that was 2022-2023. And the reason I
4 stopped, she said she's tried and they
5 won't pull it.

6 Q. And what was Dr. McCleod's --
7 what is Dr. McCleod's first name?

8 MR. INNES: Objection. Before
9 you answer that question, I'll just
10 make the record that we have
11 repeatedly requested information
12 specific to the pages that Mr.
13 Bussacco has just testified about
14 and those have not yet been
15 produced in the case. We call for
16 their production immediately.

17 MR. KARP: I understand.

18 THE WITNESS: You said what is
19 her first name?

20 MR. KARP: Yes.

21 THE WITNESS: Latee,
22 L-A-T-E-E, and she's no longer with
23 the district. She's with Essex
24 Regional. She's the superintendent
25 of Essex Regional. I don't

CONFIDENTIAL

Page 341

1 remember the title, to be exact,
2 but she's no longer with the
3 district.

4 BY MR. KARP:

5 Q. Putting aside the
6 communication you had with Dr. McCleod,
7 have you directly had any interactions or
8 communications with any social media
9 platforms?

10 A. Regarding my school, no.

11 Q. Have you had interactions
12 with social media companies, other ones?

13 MR. INNES: Objection.

14 THE WITNESS: Have I had,
15 like, have I personally reached out
16 to --

17 BY MR. KARP:

18 Q. Yes.

19 A. I'm thinking, it has been a
20 while. I don't believe I have personally,
21 no.

22 Q. Okay. And that would include
23 any of the Defendants in this case, Meta?

24 A. I personally haven't reached
25 out to any of them. I can't speak to Bevin

CONFIDENTIAL

Page 342

1 Subocz and John Amberg though.

2 Q. Okay. Have you gone to the
3 websites for any of these social media
4 companies to see what materials they have
5 available, what guidance they might have
6 available to users of their platforms?

7 A. I have personally, I think it
8 was when I went to Paterson, I know that
9 doesn't go to this case, I think around
10 2019, 2020, Instagram created a teen
11 account where it could be linked to the
12 parents and they -- which was a nice step
13 in the right direction and they provide,
14 you know, how to do that and that was it.
15 So it was more of, like, hey, this is how
16 you could do it and that was it. But I
17 believe it was 2019, 2020 is when Instagram
18 created that, because I was in Paterson
19 when I learned that.

20 Q. And is that the only instance
21 you can recall of when you would have
22 visited the website of a social media
23 company to see what guidance or materials
24 they had available for use?

25 A. Yeah, I did not search more

CONFIDENTIAL

Page 343

1 than certain things. And then I also had
2 tech people there as well, so they were the
3 ones who pointed me in that direction, but
4 no.

5 Q. When you visited the site to
6 learn about teen accounts for Instagram --

7 A. Instagram.

8 Q. -- was that in your
9 professional capacity or was that --

10 A. Professional.

11 Q. Okay. But, again, that was
12 while you were at Paterson, not with
13 Irvington?

14 A. But it gave me knowledge that
15 I could use in my sixth-grade orientation,
16 hey, in case you're not aware of this, it's
17 not being marketed out there, but I found
18 this, so did you know you could do this
19 type of thing and most parents were, like,
20 I did not know.

21 Q. Sure. So this information
22 that you ultimately passed on was publicly
23 available and anyone, including parents,
24 could have gone onto those sites to see it
25 themselves?

CONFIDENTIAL

Page 344

1 A. If you knew what to search
2 for.

3 Q. Okay. But it was -- it was
4 on the websites for people to visit?

5 A. I can speak of Instagram,
6 uh-huh.

7 Q. Okay. You also said earlier
8 that -- or testified earlier in response to
9 your counsel's questions that parents
10 didn't have information about how to
11 educate their students on effective or safe
12 social media use. Do you remember that?

13 A. I do.

14 Q. Is that something that you
15 have or that University Middle School has
16 to the extent you know ever studied or
17 tried to investigate?

18 MR. INNES: Objection.

19 THE WITNESS: Of why, have we
20 ever studied or investigated why
21 parents --

22 BY MR. KARP:

23 Q. Whether or not parents have
24 information and know how to educate their
25 children on the use of social media.

CONFIDENTIAL

Page 345

1 A. So there was never a direct
2 study, but based on previous answers I
3 provided, conversations with parents would
4 be my data, my PTA meetings, my
5 orientation, most parents say they didn't
6 even know these things exist.

7 Q. Have you ever surveyed
8 parents at University Middle School or any
9 school in the district about whether
10 they've ever visited the sites of any
11 social media companies to understand the
12 materials and resources that are available
13 to users?

14 MR. INNES: Objection.

15 THE WITNESS: I have not
16 surveyed for that particular thing.

17 BY MR. KARP:

18 Q. Earlier you testified about
19 an incident that you attended to this
20 morning prior to today's deposition, do you
21 recall?

22 A. Yes, but it was my assistant
23 principal that attended to it, I just was
24 there.

25 Q. Okay. I believe you

CONFIDENTIAL

Page 346

1 described this incident as a fake fight?

2 A. Yeah.

3 Q. Okay. You did not personally
4 attend or you were not physically present
5 for this fake fight, correct?

6 A. No, because we believed --
7 security believed it was a real fight. At
8 my school, we call a signal five if there's
9 a fight. They went there, my assistant
10 principal and me were in the same room when
11 they were bringing this to us. She took
12 it, because I was overseeing testing
13 getting everything ready and then upon her
14 investigation is what I discussed, how we
15 discovered it, where the kid said, hey,
16 that's my friend, we're just playing
17 around, and then we looked at the camera,
18 not their camera, but our cameras, and see
19 they set up the camera prior to.

20 Q. You mentioned or you
21 testified about why the students engaged in
22 this behavior. Do you remember?

23 A. I do.

24 Q. Did you, prior to giving that
25 testimony, did you interview the students

CONFIDENTIAL

Page 347

1 who were involved?

2 A. Ms. Allen-Penn did.

3 Q. Okay.

4 A. That's how I got that
5 information.

6 Q. You did not personally
7 interview them though?

8 A. No, I did not.

9 Q. Let's talk a bit more
10 generally about TikTok challenges which you
11 referenced in your testimony. What is your
12 understanding of how a TikTok or other
13 viral challenge works?

14 A. My understanding is someone,
15 an influencer goes on and tells kids to do
16 certain -- well, people, I'll just say
17 people, tells people to do certain things
18 and they do it. My limited understanding,
19 I do remember during COVID, there was the
20 TikTok challenges, break the sink and stuff
21 like that, but once again, I wasn't in
22 Irvington at the time when I experienced
23 that, but I don't equate TikTok challenges
24 today to that. It's more people saying to
25 do stuff, it gets traction, and students

CONFIDENTIAL

Page 348

1 want to do it so they can also get
2 traction. And that's what this fight, one
3 was after talking to my assistant
4 principal, she apparently -- not
5 apparently, she told me she did a quick
6 search and that's how she was able to
7 verify that they were, you know, there was
8 some lady that posted three days ago and
9 it's becoming -- it's getting more views
10 and more upticks, so more people are seeing
11 it.

12 Q. Okay. You understand that
13 students must first see the challenge on
14 TikTok or another site?

15 A. Yeah.

16 MR. INNES: Objection.

17 BY MR. KARP:

18 Q. And then the student emulates
19 or the students emulate what they're seeing
20 in real life?

21 MR. INNES: Objection.

22 THE WITNESS: Yeah.

23 BY MR. KARP:

24 Q. Do you have any evidence that
25 the students who were involved in this

CONFIDENTIAL

Page 349

1 morning's incident were emulating content
2 that they saw on TikTok specifically?

3 MR. INNES: Objection.

4 THE WITNESS: Emulate
5 specifically what they saw, the
6 content was, to my understanding,
7 to cause chaos, simulate a fight,
8 so then, yes, because that's what
9 they did. They knew that a signal
10 five would be called and people
11 would break it up and they laughed
12 about it and it was sent throughout
13 the school during testing. Before
14 the start of testing. I don't want
15 a testing irregularity.

16 BY MR. KARP:

17 Q. And do you have evidence that
18 they were emulating something that they saw
19 on TikTok as opposed to some other site?

20 A. They mentioned the word
21 specifically TikTok to my assistant
22 principal.

23 Q. Okay. And that is when your
24 assistant principal interviewed them?

25 A. During her interviews when

CONFIDENTIAL

Page 350

1 that statement came out.

2 Q. Okay. But, again, you did
3 not --

4 A. I did not.

5 Q. Were any records, I know, I
6 understand that this incident happened only
7 this morning, but have any records been
8 obtained relating to these students' use of
9 social media?

10 MR. INNES: Objection.

11 THE WITNESS: Records such as
12 how? You mean their student
13 statements that they wrote telling
14 us that they used social media and
15 that's where they got the idea
16 from?

17 BY MR. KARP:

18 Q. If the students usage data or
19 anything along those lines has been
20 obtained is kind of what I'm asking.

21 A. I can't obtain usage data,
22 but there's testimony, their written
23 statement says it.

24 MR. INNES: One second. So I
25 guess I'm going to call for the

CONFIDENTIAL

Page 351

1 production of the usage data. You
2 guys have it, right?

3 MR. KARP: I'll clarify my
4 question, I was asking --

5 MR. INNES: No, you don't have
6 to clarify.

7 MR. KARP: -- about content
8 filters and the extent you're able
9 to --

10 MR. INNES: You said usage
11 data. You asked him if they had
12 collected usage data. You guys
13 have usage data, right? TikTok has
14 usage data. You're asking him to
15 provide the usage data.

16 MR. KARP: I'm asking -- I
17 will reask my question, if that was
18 not clear, and I apologize, I was
19 asking with the intent of getting
20 at any data that the district is
21 able to intercept through content
22 filters or other monitoring of
23 network activity and how these
24 students might have been on social
25 media, data that you have

CONFIDENTIAL

Page 352

1 available, that's what I was
2 asking.

3 THE WITNESS: The district
4 isn't able to log onto a student's
5 personal device. They would have
6 had to be asking it through a
7 district computer, which is
8 blocked, so they wouldn't have. So
9 we are unable to, I believe it's
10 illegal to access a student's phone
11 through a Wi-Fi server and Mr.
12 Amberg can talk to more of that,
13 but, no, I would never be able to.

14 MR. KARP: Understood.

15 MR. INNES: Before you ask
16 your next question, so what's good
17 for the goose is good for the
18 gander. If you guys are going to
19 ask him to give usage data, I would
20 expect you would honor our request
21 that we made multiple times for
22 usage data regarding the folks in
23 our school district. You thus far
24 have refused to provide that, so
25 it's a little disingenuous for you

CONFIDENTIAL

Page 353

1 to be asking for usage data.

2 MR. KARP: I certainly don't
3 believe it's disingenuous. I
4 clarified the intent of my
5 question, I was asking about data
6 that the district might have in its
7 possession regarding the use of its
8 networks. That was my intent.
9 I've since clarified it. I
10 understand your request. It's on
11 the record. We can talk about it
12 after the deposition.

13 MR. INNES: I'll renew our
14 request --

15 MR. KARP: Sure.

16 MR. INNES: -- and we would
17 like you to produce the usage data
18 that we have been asking about for
19 over a half year now, I think.

20 MR. KARP: Okay. I've made
21 requests for documents as well that
22 you have not produced, so we can
23 deal with that --

24 MR. INNES: We can talk about
25 that.

CONFIDENTIAL

Page 354

1 MR. KARP: Sure.

2 MR. INNES: No, let's keep
3 talking. Let's put it on the
4 record, what don't you think you
5 have?

6 MR. KARP: I don't think that
7 this is an appropriate use of time.
8 We have a limited time --

9 MR. INNES: It's your time.

10 MR. KARP: It is my time and
11 I'm choosing not to use it for
12 this. I'm choosing to wrap up my
13 questioning with the witness so
14 that he can get out of here.

15 MR. INNES: Are you agreeing
16 to produce the usage data?

17 MR. KARP: I'm not agreeing to
18 produce anything at this time.
19 Great.

20 BY MR. KARP:

21 Q. You mentioned earlier as part
22 of your testimony that sometimes students
23 stay up late at night on their cell phones,
24 correct?

25 A. That is correct.

CONFIDENTIAL

Page 355

1 Q. You said sometimes they are
2 on social media?

3 A. Yes.

4 Q. And you said sometimes
5 they're playing video games?

6 A. Yes.

7 Q. Have you ever studied or
8 investigated specifically which apps or
9 social media platforms students are using
10 that is causing them to stay up late at
11 night?

12 MR. INNES: Objection.

13 THE WITNESS: I haven't
14 studied, but based on daily
15 investigations through myself,
16 deans, school counselors, HSSCs,
17 it's mainly TikTok, Instagram,
18 Facebook, and X.

19 BY MR. KARP:

20 Q. And X?

21 A. Uh-huh.

22 Q. Okay. Do you have any data
23 on how often those social media platforms
24 are being used by students as opposed to
25 other things that they are doing on their

CONFIDENTIAL

Page 356

1 cell phones such as playing video games?

2 MR. INNES: Objection. This
3 is exactly what we just talked
4 about. You're asking him for the
5 data that we've asked for you to
6 produce and you haven't produced
7 it.

8 MR. KARP: I'm not asking for
9 that. I will rephrase the
10 question.

11 Do you have any -- does
12 University Middle School or do
13 you personally have any
14 information about how often
15 students are using social media
16 late at night versus playing
17 video games or doing other things
18 on their phone?

19 THE WITNESS: So your question
20 is do I have any data?

21 BY MR. KARP:

22 Q. Any data or any statistics.

23 A. I have data in the form of
24 student statements and if we analyze it, we
25 can give you a percentage, but that's all

CONFIDENTIAL

Page 357

1 we have.

2 Q. Understood. You don't know
3 the percentage of time that -- or the
4 percentage of these students that you are
5 talking about who are up late at night on
6 social media versus the percentage who are
7 using their cell phones for other things?

8 A. I can't give you a
9 percentage, correct, but, once again, the
10 majority of my interactions are because of
11 social media at night.

12 Q. And I don't want to belabor
13 the point, I'm going to move on, I just
14 want to ask to the extent you've had
15 these -- you had these anecdotal
16 experiences, are they memorialized
17 anywhere? Are these conversations written
18 out in any forms that you and the district
19 maintain?

20 A. Yes, student statements, not
21 all student statements, but student
22 statements are taken. When they meet with
23 a school counselor, their names are written
24 down and they have conversations, so there
25 should be some type of logs talking about

CONFIDENTIAL

Page 358

1 this, but most of them would be from the
2 health and social service coordinator and
3 that's more like the student talking to a
4 therapist, but it's not protected in that
5 way.

6 Q. Just a few more questions and
7 then I will -- I will pause and allow
8 others to jump in with their questions if
9 they have any.

10 We talked a bit about
11 University Middle School students' academic
12 performance on standardized tests. Do you
13 recall --

14 A. Yes, we did.

15 Q. -- your counsel came back to
16 that topic when he was asking you
17 questions, do you remember?

18 A. Yes.

19 Q. Do you or does University
20 Middle School have any information about
21 how social media use at University Middle
22 School compares to social media use at
23 other schools in New Jersey?

24 MR. INNES: Objection.

25 THE WITNESS: No, because I

CONFIDENTIAL

Page 359

1 don't think it's collected from
2 other schools within the
3 district -- the state you said, I'm
4 sorry.

5 BY MR. KARP:

6 Q. You don't have data or
7 statistics regarding how many students at
8 University Middle School or any other
9 school in Irvington Public Schools uses
10 social media as compared to other schools
11 in the state of New Jersey; is that right?

12 MR. INNES: Objection. I know
13 you don't want to belabor this, but
14 you are, so I'll keep responding
15 this way. We have asked for usage
16 data up and down from each one of
17 your Defendants and you've refused
18 to provide it. You're now
19 injecting it into your defense in
20 this case that you need the usage
21 data and implying that because we
22 haven't done studies, they have
23 usage data, the data that you have.
24 It's relevant. It should be
25 produced. It should be produced

CONFIDENTIAL

Page 360

1 today. It should have been
2 produced six months ago.

3 MR. KARP: I don't agree that
4 that's what I'm asking --

5 MR. INNES: These are your
6 questions. Every question is about
7 what data do you have about usage,
8 how does it compare, what social
9 media data usage. You are the
10 social media platforms. You have
11 the data. Produce it.

12 BY MR. KARP:

13 Q. My question, if I may ask
14 another one, in light of your counsel's
15 objection, is whether you or University
16 Middle School have ever specifically tried
17 to quantify social media use at other
18 schools in the state of New Jersey?

19 MR. INNES: Objection.

20 THE WITNESS: Can you ask the
21 question again?

22 BY MR. KARP:

23 Q. Have you or has University
24 Middle School ever attempted to quantify or
25 measure the amount of social media use at

CONFIDENTIAL

Page 361

1 other schools in the state of New Jersey?

2 A. I wouldn't be able to --

3 MR. INNES: Objection.

4 THE WITNESS: -- because other
5 schools don't publicize their usage
6 data. It's not shared. It's not
7 public knowledge. It's private.
8 It's protected.

9 BY MR. KARP:

10 Q. A couple of more things here.
11 We talked a little bit about Ms. Ganthier's
12 lesson where she was asking students about
13 the dangers of social media, do you recall?

14 A. I do recall.

15 Q. You've testified about likes
16 and comments?

17 A. Uh-huh.

18 Q. Those two particular features
19 were not mentioned by any of the students
20 that Ms. Ganthier surveyed, right?

21 A. Not in that statement, no.

22 Q. Okay. Do you believe that
23 social media has had a larger negative
24 impact on the mental health of students
25 than poverty?

CONFIDENTIAL

Page 362

1 A. I can only speak to social
2 media, because I deal with that every day
3 and I do deal with poverty. I believe that
4 social media has had a negative impact.
5 Also poverty has a negative impact.

6 Q. I'm asking if you think that
7 the negative impact of social media is
8 larger on the mental health of students
9 than poverty.

10 A. I'm going to say yes and I'm
11 going to tell you why I say yes. I believe
12 it has a larger on mental health, social
13 media, because it's in the moment. You
14 know it. Growing up impoverished myself, I
15 didn't know I was poor. A lot of our kids
16 don't know they're poor. You don't know
17 you're poor unless someone tells you you're
18 poor or unless you're missing meals. I
19 didn't know I was poor. I had a parent
20 that cared about me. I had two brothers
21 and we were taken care of, but we were poor
22 compared to other people. I didn't grow up
23 in a town of social media. I have students
24 that are poor, they don't realize they're
25 poor, because there are similar kids around

CONFIDENTIAL

Page 363

1 them, so they're lucky for that part, but
2 social media is every single day and it
3 drains on my scholars every single day.

4 I spend countless hours
5 dealing with social media and my other
6 staff members spend even more time than I
7 do. So, in my honest opinion, by doing
8 this for many, many years, I believe social
9 media has a huge impact and I believe that
10 studies should be being done by Defendants
11 to show this and things should be done
12 about it. So, yes, growing up as someone
13 who was poor, so I can speak to that as
14 well, yes.

15 Q. Do you believe that social
16 media has had a larger negative impact on
17 the mental health of students than racism?

18 A. Could you not make a
19 correlation that racism exists on social
20 media as well, so they're similar?
21 Students experience racism on a daily basis
22 through social media when they post things,
23 other people get it and they say
24 inappropriate comments about them. So not
25 only are they experiencing racism in the

CONFIDENTIAL

Page 364

1 micro, now it became a macro, because
2 social media has expounded it. So I would
3 argue that social media makes it worse.
4 So, yes, to answer your question, yes.

5 Q. Social media has had a larger
6 negative impact on student mental health
7 than racism has?

8 A. Because it takes it from a
9 micro to a macro and they're exposed to
10 racism at a much more greater and prevalent
11 thing than we've ever experienced at their
12 age growing up.

13 Q. Is that something that you or
14 University Middle School has ever studied?

15 A. No.

16 Q. Do you have any studies or
17 are you aware of any literature to back up
18 that statement or that testimony?

19 A. Any statement about my
20 statement I just made, just from my
21 professional experience of over 15, 16
22 years, and talking to colleagues and other
23 people in similar situations.

24 MR. KARP: I have no further
25 questions on my end. I want to

CONFIDENTIAL

Page 365

1 make sure that others -- other
2 codefendants don't have questions.

3 MR. INNES: Uh-huh.

4 MR. SEXTON: I have a few. I
5 can ask them from here if you want
6 to hand me the microphone.

7 MR. KARP: Sure.

8 MR. SEXTON: Can you hear me
9 okay?

10 THE WITNESS: I can hear you,
11 sir, yup.

12 MR. INNES: And who do you
13 represent?

14 MR. SEXTON: I represent Meta.

15 THE WITNESS: Meta.

16 BY MR. SEXTON:

17 Q. I'm sorry. I won't be doing
18 this for very long. Good afternoon, Mr.
19 Bussacco. I know it has been a long day.
20 I just have a few questions for you. My
21 name is Terry Sexton. I represent Meta
22 Platforms.

23 A. Yes, sir.

24 Q. Were you aware before today
25 that Meta owns both the Instagram and

CONFIDENTIAL

Page 366

1 Facebook platforms?

2 A. Yes, uh-huh.

3 Q. Okay. You've never
4 communicated by any means with anyone who
5 works at Meta, right?

6 A. No, sir.

7 MR. INNES: Objection.

8 Outside the scope.

9 BY MR. SEXTON:

10 Q. You've never communicated by
11 any means with anyone who works for
12 Facebook?

13 MR. INNES: Objection. Beyond
14 the scope.

15 THE WITNESS: No, sir.

16 BY MR. SEXTON:

17 Q. You've never communicated by
18 any means with anyone who works for
19 Instagram?

20 MR. INNES: Objection. Beyond
21 the scope.

22 THE WITNESS: No, sir.

23 BY MR. SEXTON:

24 Q. Okay. You told us earlier
25 that you learned that Instagram makes

CONFIDENTIAL

Page 367

1 special accounts available for teenagers
2 called teen accounts; is that right?

3 A. To my understanding, it was
4 more where parents can monitor their
5 child's account and I believe it came
6 around 2019.

7 Q. You learned about those
8 accounts while you were working at
9 Community Charter School of Paterson?

10 A. That is correct.

11 MR. INNES: Objection. Beyond
12 the scope. Counsel, you had an
13 opportunity to ask questions. Now
14 we are in the ping-pong of a
15 deposition. You have to stay
16 within the scope of my examination.
17 You're not.

18 MR. SEXTON: I'm in the --

19 MR. INNES: You're nowhere
20 near it.

21 MR. SEXTON: I'm in the scope.

22 MR. INNES: You're nowhere
23 near. You can say that, but you're
24 nowhere near it.

25 MR. SEXTON: I'm going to ask

CONFIDENTIAL

Page 368

1 questions.

2 MR. INNES: Move to strike all
3 of them.

4 BY MR. SEXTON:

5 Q. Okay. Did you tell parents
6 at the charter school about Instagram teen
7 accounts?

8 MR. INNES: Objection.
9 Misstates prior testimony. Way
10 outside the scope.

11 THE WITNESS: I did, but I
12 want to make it clear that it was
13 not part of Irvington Public School
14 -- I was not part of Irvington
15 Public Schools at the time.

16 BY MR. SEXTON:

17 Q. What did you tell parents at
18 Paterson about Instagram teen accounts?

19 MR. INNES: Objection. Beyond
20 the scope.

21 THE WITNESS: To my knowledge,
22 I just made them aware that it
23 exists and that they should use it
24 because they can monitor a child's
25 account, nothing other than that,

CONFIDENTIAL

Page 369

1 and I think -- take it back, also
2 this is how you could do it, try it
3 out, see if you want to do it.

4 BY MR. SEXTON:

5 Q. So you were encouraging
6 parents at Paterson Charter Stool -- strike
7 that.

8 You were encouraging parents
9 at Community Charter School in Paterson to
10 explore and use or at least consider using
11 Instagram teen accounts; is that right?

12 MR. INNES: Objection.
13 Outside the scope.

14 THE WITNESS: Yes.

15 BY MR. SEXTON:

16 Q. Have you also told parents at
17 your current school, University Middle
18 School, about Instagram teen accounts?

19 MR. INNES: Objection.
20 Outside the scope.

21 THE WITNESS: I previously
22 answered that from other counsel,
23 during orientation, I made them
24 aware of certain things.

25

CONFIDENTIAL

Page 370

1 BY MR. SEXTON:

2 Q. Did you have PowerPoints or
3 slides or handouts to accompany these --

4 A. Not handouts --

5 Q. -- presentations?

6 A. -- PowerPoints.

7 Q. And is this part of a
8 presentation that you give every year here
9 at University Middle School?

10 MR. INNES: Mike, let me --
11 before you answer those questions,
12 let me get my objections in. It's
13 really important, especially with
14 him going way beyond the scope.
15 You had an opportunity to ask all
16 these on direct through your other
17 counsel, you didn't do it.

18 BY MR. SEXTON:

19 Q. Do you want to answer my
20 question now?

21 A. Can you ask it again, please?

22 Q. Sure. Did you have handouts
23 or other materials that you distributed to
24 parents when you presented to them about
25 Instagram teen accounts?

CONFIDENTIAL

Page 371

1 MR. INNES: Objection.

2 THE WITNESS: I don't believe
3 there was handouts.

4 BY MR. SEXTON:

5 Q. Okay. And is this a
6 presentation you give each year at the
7 beginning of the school year to new parents
8 at University Middle School?

9 MR. INNES: Objection.

10 THE WITNESS: It's part of --
11 it's a small part of my
12 orientation.

13 BY MR. SEXTON:

14 Q. Okay. You said that you
15 learned about Instagram teen accounts when
16 you went to visit the Instagram website; is
17 that right?

18 MR. INNES: Objection.

19 BY MR. SEXTON:

20 Q. Or strike that. I'll ask a
21 better question.

22 How did you learn about
23 Instagram teen accounts?

24 MR. INNES: Objection.

25 THE WITNESS: I was made aware

CONFIDENTIAL

Page 372

1 by an employee in the district. I
2 can't remember who, an employee in
3 the district that I joined, I
4 looked into it, learned basics,
5 told parents.

6 BY MR. SEXTON:

7 Q. You encouraged them to use
8 Instagram teen accounts?

9 MR. INNES: Objection.

10 THE WITNESS: Yes, sir.

11 BY MR. SEXTON:

12 Q. Okay. You also spoke earlier
13 about a supervisor of yours named Dr. Latee
14 McCleod; is that right?

15 A. That is correct.

16 MR. INNES: Objection.

17 BY MR. SEXTON:

18 Q. You said you think Dr. Latee
19 McCleod might have communicated directly
20 with a social media company?

21 MR. INNES: Objection.

22 THE WITNESS: What I said was
23 she told me she did --

24 MR. SEXTON: Okay.

25 THE WITNESS: -- and then she

CONFIDENTIAL

Page 373

1 said that they would not pull the
2 fight page on Instagram.

3 BY MR. SEXTON:

4 Q. Okay.

5 A. She did not go into reasons
6 nor did she have to, because she's my
7 superior.

8 Q. Okay. When did Dr. McCleod
9 tell you that?

10 A. God, I think it was the 2022
11 academic year, I couldn't tell you
12 specific --

13 Q. Have you ever seen any of Dr.
14 McCleod's communications with Meta or
15 Instagram?

16 A. I wouldn't be privy to that,
17 she's my supervisor.

18 Q. So you've never seen those?

19 A. No.

20 Q. And you've never seen any
21 communications that would have come back
22 from Meta or Instagram to Dr. McCleod; is
23 that right?

24 MR. INNES: Objection.

25 THE WITNESS: No, sir.

CONFIDENTIAL

Page 374

1 BY MR. SEXTON:

2 Q. Okay. You also said earlier
3 you thought Instagram didn't instruct users
4 on how to use its platform appropriately;
5 is that right?

6 A. Yes, when we were
7 specifically talking about the two
8 documents provided to me in 2015 and two
9 thousand and -- let me find the years, 2015
10 and I don't, the other year was before the
11 teen account, so what's the other one for
12 Ms. Mathias, anyone know the year? I'll
13 find it.

14 MR. INNES: While Mr. Bussacco
15 is searching for that, have you
16 guys produced any communications
17 from Irvington?

18 MR. SEXTON: I don't know.

19 THE WITNESS: Do you have that
20 one, Michael?

21 MR. INNES: Will you agree to
22 search for those and produce those?

23 THE WITNESS: I need the year.

24 MR. SEXTON: Send me a letter
25 and I'll take a look at it.

CONFIDENTIAL

Page 375

1 THE WITNESS: Thank you, sir,
2 I appreciate it.

3 MR. INNES: Zach, if you're on
4 the line, can you just send a
5 letter to -- what was your name
6 again?

7 MR. SEXTON: My name is Terry
8 Sexton.

9 MR. INNES: Mr. Sexton
10 requesting production.

11 THE WITNESS: So the years I
12 was discussing came directly from
13 what we were talking about the 2015
14 article, the 100300320 and the one
15 from 2017. At the moment, we did
16 not know those existed and I don't
17 believe it existed into 2019 based
18 on my knowledge, I learned years
19 later.

20 BY MR. SEXTON:

21 Q. Have you ever visited the
22 Meta Family Center?

23 MR. INNES: Objection.
24 Outside the scope.

25 THE WITNESS: I don't recall.

CONFIDENTIAL

Page 376

1 BY MR. SEXTON:

2 Q. You don't recall ever
3 visiting the Meta Family Center?

4 MR. INNES: Objection. Asked
5 and answered.

6 MR. SEXTON: I'm sorry?

7 THE WITNESS: I don't recall
8 going to that website.

9 BY MR. SEXTON:

10 Q. Are you familiar with what
11 parental controls other than teen accounts
12 that Meta makes available to Instagram and
13 Facebook users?

14 A. I am not.

15 Q. Are you familiar with any of
16 the safety features Meta makes available to
17 Instagram and Facebook users other than
18 teen accounts?

19 A. No.

20 Q. You can't name any?

21 A. Safety features?

22 Q. Yes, sir.

23 A. I'm just trying to think of
24 my own, no, off the top of my head, I
25 cannot.

CONFIDENTIAL

Page 377

1 Q. Last topic, I think, you
2 talked about a feature of some social media
3 platforms including Facebook and Instagram
4 called likes, correct?

5 A. Likes, yes.

6 Q. All right. And you offered
7 some personal opinions about likes and how
8 important those are to some Instagram
9 users, do you recall that?

10 A. I do.

11 Q. All right. And you
12 specifically, you said you think likes are
13 a problematic feature of Instagram; is that
14 correct?

15 A. I do believe they can be
16 problematic.

17 Q. And likes are problematic, in
18 your opinion, because users can see who
19 likes or didn't like their comments --

20 A. Yeah.

21 Q. -- or their content; is that
22 right?

23 A. Correct, that was my
24 statements.

25 Q. So users receive a message

CONFIDENTIAL

Page 378

1 from other users through those likes; is
2 that correct?

3 A. No. So what I believe
4 happens, and you would know better than me,
5 when you log on and you like, let's say
6 it's my picture, I put up something, I put
7 up a picture of a fight between me and Mike
8 over here, counsel likes it. You have a
9 problem with it. You look at the likes and
10 you see that he is one of the people that
11 liked it and then I was referencing how
12 that causes conflict in my school.

13 Q. Okay. All right.

14 A. Because it lists the names of
15 everyone that likes it.

16 Q. Okay. And that list of who
17 likes their content and who doesn't, that
18 communicates something --

19 A. It sure does.

20 Q. -- to the user, right?

21 A. It does.

22 Q. And that's the problem with
23 likes?

24 A. In my opinion, the problem
25 with likes in the middle school I work in

CONFIDENTIAL

Page 379

1 is that it is a popularity problem. Kids
2 use it to gain popularity and post
3 inappropriate things, as we talked about
4 the pictures earlier. I also talked about
5 how likes are negative and the part that we
6 just discussed, how they can use it to, I
7 can't believe you liked that, you're
8 supposed to be my friend, causing
9 conflicts. And I think I'll just stick
10 with those two.

11 Q. Were you aware that Instagram
12 users can turn off likes?

13 A. I am aware of that.

14 Q. Okay. Were you aware that
15 Instagram users can turn off comments?

16 A. I am aware of that.

17 Q. And were you aware that
18 parents can turn off likes and comments in
19 their children's accounts, if they choose
20 to do so?

21 A. I'm also aware that scholars
22 can get around that.

23 Q. But not with teen accounts,
24 right?

25 A. They can if they make a

CONFIDENTIAL

Page 380

1 separate account that their parents don't
2 know about.

3	Q.	Okay.
---	----	-------

4 A. Because it's very easy to
5 make a separate account.

6 Q. Okay. How many Instagram
7 accounts do you have?

8	A.	I have two.
---	----	-------------

[illegible]

25

CONFIDENTIAL

Page 381

16 MR. SEXTON: Okay. Those are
17 all the questions I have got for
18 now. Thank you so much.

19 MR. INNES: Do you guys have
20 more?

21 MR. KARP: I'm not sure, I was
22 going to ask. Does anyone on the
23 line who is attending virtually
24 have questions?

25 Hearing nothing, Michael,

CONFIDENTIAL

Page 382

1 anything else or are we good to
2 go?

3 MR. INNES: Give me three
4 minutes, and it's a hard three and
5 I'll tell you whether I've got
6 questions.

7 MR. KARP: You mean a
8 three-minute break?

9 MR. INNES: What's that?

10 MR. KARP: A three-minute
11 break. We'll go off the record.

12 THE VIDEOGRAPHER: The time
13 right now is 6:29 p.m. We are off
14 the record.

15 - - - - -

16 (A recess was taken at this time.)

17 - - - - -

18 THE VIDEOGRAPHER: The time
19 right now is 6:33 p.m. We're back
20 on the record.

21 BY MR. INNES:

22 Q. Mr. Bussacco, thanks for
23 coming back, I know it's very late in the
24 day, approaching 7:00 o'clock almost, a few
25 follow-up questions.

CONFIDENTIAL

Page 383

1 A. Okay.

2 Q. Are you aware that Defendants
3 in this case are some of the largest
4 companies in the world?

5 A. Yes, I am.

6 Q. Is it your understanding that
7 they're some of the most profitable
8 companies in the world?

9 MR. KARP: Object to form.
10 Lacks foundation. Assumes facts.
11 Calls for speculation.

12 THE WITNESS: I'm aware.

13 BY MR. INNES:

14 Q. Is it your understanding that
15 none of the Defendants sell an actual
16 physical product, correct?

17 MR. KARP: Object to form.
18 Lacks foundation. Assumes facts.
19 Calls for speculation.

20 THE WITNESS: I am aware.

21 BY MR. INNES:

22 Q. Is it your understanding that
23 the Defendants make their money leveraging
24 data they have collected?

25 MR. KARP: Object to form.

CONFIDENTIAL

Page 384

1 Assumes facts. Lacks foundation.

2 Calls for speculation.

3 THE WITNESS: I do.

4 BY MR. INNES:

5 Q. You'll recall being asked by
6 counsel numerous times whether or not you
7 could do an analysis of your scholars' use
8 of data as compared to other things. Do
9 you recall that?

10 A. I do recall being asked
11 several times, I'm sorry.

12 Q. If you had usage data from
13 the Defendants' platforms, could you have
14 done an analysis?

15 MR. KARP: Object to form.
16 Hypothetical.

17 THE WITNESS: Easily.

18 MR. INNES: No further
19 questions, but I do have a
20 statement on the record, actually,
21 a request and we can go Defendant
22 by Defendant or you guys can take
23 this jointly, it doesn't really
24 matter to me. But do you -- can
25 you make a representation of

CONFIDENTIAL

Page 385

1 whether or not you intend to
2 continue to ask witnesses, at least
3 of my direct clients, and more
4 broadly, all other clients, about
5 their children's accounts and their
6 personal accounts and if you do,
7 just let me know now?

8 MR. KARP: I think we'd
9 appreciate the opportunity to
10 discuss that as a joint defense.

11 MR. INNES: We have
12 depositions that are going forward
13 tomorrow.

14 MR. KARP: I understand.

15 MR. INNES: I need to know
16 whether or not I need a protective
17 order, because we're not answering
18 those questions.

19 MR. KARP: I understand, and
20 my recommendation is if that issue
21 comes up again tomorrow, you can
22 instruct your witness not to answer
23 and we can handle it the same way
24 that we did today, but I will
25 represent to you that that is an

CONFIDENTIAL

Page 386

1 issue that we will discuss and will
2 endeavor to get back to you with a
3 response soon.

4 MR. INNES: Okay. TikTok, you
5 need to get back to me on whether
6 or not you're going to ask about my
7 teachers and principals students'
8 accounts, right, or are you Snap?

9 MR. KARP: I represent Snap.

10 MR. INNES: Okay. So Snap
11 needs to get back to me.

12 You represent Meta,
13 Mr. Sexton?

14 MR. SEXTON: Right.

15 MR. INNES: What's your
16 position?

17 MR. SEXTON: We'll talk about
18 it.

19 MR. INNES: You'll talk about
20 it, okay. Who else do we have on
21 the line, Defendants, sorry, for
22 YouTube?

23 - - - - -

24 (Stenographer clarification.)

25 - - - - -

CONFIDENTIAL

Page 387

1 MR. INNES: Okay. YouTube,
2 this is Michael Innes for
3 Plaintiffs, do you understand my
4 request?

5 MS. BURRELL: Is your request
6 that we put on the record whether
7 or not we're going to be asking any
8 more witnesses about their social
9 media use?

10 MR. INNES: And their
11 children's social media use and
12 their children's accounts.

13 MS. BURRELL: YouTube's stance
14 is that we don't have to give away
15 our deposition questions, but to
16 the extent that you have an issue
17 with that line of questioning, you
18 have asked our employees about
19 their children accounts --

20 MR. INNES: And have you
21 responded? Has your client
22 responded to those depositions,
23 because we're not familiar with
24 those?

25 MS. BURRELL: Yes.

CONFIDENTIAL

Page 388

1 MR. INNES: You have provided
2 information about your client's
3 children's accounts?

4 MS. BURRELL: Yes, it is my
5 understanding those questions have
6 been asked and some of them have
7 been answered. To the extent that
8 you don't want your witnesses to
9 answer, you are free to move to
10 strike.

11 MR. INNES: I know what my
12 rights are, I might be filing for a
13 protective order in advance, so
14 just we don't have to go through
15 whole that rigmarole.

16 Okay. Who else is up? I
17 got TikTok, I got YouTube. I got
18 Meta, you're conferring. Snap?

19 MS. WALTER: This is Alison on
20 behalf of TikTok.

21 MR. INNES: Okay. What's your
22 position, TikTok?

23 MS. WALTER: We will discuss
24 it and get back to you.

25 MR. INNES: Okay. Who am I

CONFIDENTIAL

Page 389

1 missing? I have got YouTube,
2 TikTok, Meta, Snap. That's
3 everybody. All right. Thanks,
4 guys. Talk it over. Let us know.

5 MR. KARP: See you soon.

6 MR. INNES: See you tomorrow
7 morning, right?

8 MR. KARP: See you tomorrow.

9 MR. SEXTON: Actually, you
10 won't see me. You'll see a
11 prettier face tomorrow.

12 MR. KARP: Off the record.

13 MR. INNES: We're done.

14 THE VIDEOGRAPHER: You guys
15 need the time on the record before
16 we go off?

17 MR. KARP: Yes, please.

18 MR. INNES: Yeah.

19 THE VIDEOGRAPHER: So Mr. Karp
20 was on the record for five hours
21 and six minutes. Mr. Innes was on
22 the record for 53 minutes.
23 Mr. Sexton was on the record for
24 11. The time right now is
25 6:39 p.m. We are off the record.

CONFIDENTIAL

Page 390

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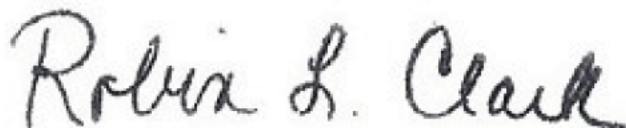
- - - - -
(Whereupon, the deposition
was concluded at 6:39 p.m.)
- - - - -

CONFIDENTIAL

Page 391

C E R T I F I C A T I O N

I HEREBY CERTIFY that the proceedings and evidence are contained fully and accurately in the stenographic notes taken by me upon the foregoing matter on May 1, 2025, and that this is a correct transcript of same.



Robin L. Clark

Registered Professional Reporter

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